INDIAN ADMINISTRATION

TO THE DAWN OF

RESPONSIBLE GOVERNMENT

1765 - 1920

Bien-être et Liberté

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Balavantarāya Kalyāṇarāya Ṭhākura

BY

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Professor of History and Political Economy, Deccan College, Poona, Manokji Limji Medallist (Bom. University), Author of *An Accunt of First Madhavrao Peshwa*, *The Text of the Sakuntalā*, अभिज्ञान शकुन्तला नाटकनुं भाषान्तर, भणकार, प्लूटार्कनां जीवन-चरितो, *&c.*, *&c.*

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PREFACE.

With the introduction of responsible government the creation of a living school of constitutional history and political philosophy trying to understand and appraise laws and institutions events and movements historically, by going backward to their causes and forward to their actual effects, becomes one of the prime though minor necessaries of our intellectual and corporate life. This little book is a very humble contribution to that end. Though attempting no more than a sketch, I have tried to develop the subject-matter historically, to present each great change along with the principal influences by which it was moulded, and to indicate to some extent how far it actually came up to the aims its authors had in view. I have worked back to the original authorities as far as a student with limited resources can do so, in a country where the public libraries are so few and so miserably poor. And while giving full referances, I have always named by preference such books as are likely to be accessible to Indian readers. Controversial matter has not been sought after. It has not been avoided either. Constitutional administrative and financial history is 'past politics,' even past party politics, to a greater extent than any other variety of history, and to confine one's self to a mere recital of the facts is, with such a subject-matter, altogether impossible. For it is by no means uncommon to find that one party's 'facts' are just what their opponents reject with the greatest vehemence. What claims, moreover, to be a mere recital of facts, can never amount to anything more scientific and impartial than a selection of some of the facts; so that every recital of facts, however colourless, is necessarily also an expression of opinion and an indication of the author's stand-point, even when he does not himself regard or intend it as such. In the following pages, I hope there is not a single place where the reader can charge me with avoiding the responsibility of expressing my own opinion, or indicating my own stand-point. But wherever I have had to deal with 'politics,' I have also tried to give both sides, laid stress on the grounds for a conclusion rather than on the conclusion itself, and sought, above all, to reduce the area of controversy and to let the logic of facts, the trend of the historical development, speak for itself. What these pages venture to offer is an independent account, on a method and a scale which have not been easy to determine or to adhere to, of a historical subject many-sided in its complexity

and necessarily demanding a rare ripeness and impartiality of judgment, for which mere silence can never be a substitute. If competent judges find my attempt not altogether unsuccessful, the result must be attributed, it seems to me, to my classwork with my students of the Deccan College, where I have had to deal with most of these topics, though only in outline, and continuously for a period now amounting to over seven years, M, Chailley spent over his well-known work on the Administrative Problems of our country 'twenty years of thought and ten of actual labour'; I am unable to put forth so high a claim. But College professors know the value for their own study and intellectual operations, of a fresh batch of keen young minds year after year, bringing up a strange mess of ignorance, confusion, enthusiasm, vague ideas and ideals, 'half-truths which are really whole errors,' and political discontent of all shades, picked up from partisan writings, out of which they have to mould patiently, sympathetically and by persuasive argument, the beginnings of scientific habits of thought, some regard for the relevant evidence, some sense of duty to see the other side of the shield as it is, an appreciation however rudimentary of the historical method, a realisation however evanescent of the complexities of social, economic and political phenomena, and a consciousness however dim that no educated man can really claim to judge for himself, except on matters with regard to which his own equipment insight and outlook are fairly adequate.

Several friends have kindly glanced through these pages as they were passing through the press, and enabled me to correct a few errors of fact or of opinion, inexact or carelessly worded statements, infelicities of expression, and other faults. But there are bound to be many more in a book like this. May I request my readers noticing any such to let me know about them? All such suggestions and criticisms will be fully weighed, and I shall be very happy indeed to make such changes as would clearly be improvements at the earliest opportunity.

An index and an alphabetical list of the full titles of the books, reports, etc., cited in these pages, have had to be omitted from the present edition at the last moment to make room for the Corrections and Additions at the end.

29th December 1921:
Narayan Peth, Poona City.

B. K. T.

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INDIAN ADMINISTRATION TO THE DAWN OF RESPONSIBLE GOVERNMENT

CHAPTER I

THE EAST INDIA COMPANY:—THE FIRST CENTURY

§ 1. *Foundation.*—On the 31st December 1600 Queen Elizabeth granted a charter to the Earl of Cumberland and over two hundred London merchants—'our well-beloved subjects, Sir John Hart, of London, and others'—to trade by sea with all countries from the Cape of Good Hope to the straits of Magellan for fifteen years. The grant was for 'the honour of the nation, the wealth of the people, the increase of navigation, and the advancement of lawful traffic to the benefit of the commonwealth.' The Earl and his associates were incorporated in the name of the 'Governor and Company of merchants of London, trading into the East Indies.' They were to hold a Court or general assembly, which was empowered to make such laws and regulations for the better advancement of their affairs and for the discipline and government of their own factors, masters, mariners, and other officers, apprentices and servants, as were reasonable and not contrary to English law and custom. The power of inflicting punishment by fine or imprisonment was specially included. The 'general court' [1] was to elect a Governor,

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1 The 'general court' is, in modern language, the ordinary annual meeting of the shareholders of the company; which the Charter required to be held on the first of July or within six days after that date. The board of 'committees' corresponds to what we now call a board of directors. The first Governor and directors are named in the Charter. 'Committees,' says Mill, 'meant persons to whom something is committed or entrusted.'—*History* Bk. IV, ch. I.

a Deputy Governor, and twentyfour 'committees', to form their standing executive, and this body was to wield the whole power of the Company. English subjects who did not join the Company and yet tried to trade by sea in these regions, were declared to be guilty of contempt of the crown, and were to be punished by confiscation of all their goods, ships &c., half the value of which was to go to the Company, and further by such imprisonment and other punishment as the Queen and her sucessors might consider to be necessary. If any places in these regions of Asia, Africa and America were in the 'lawful and actual'[2] possession of a Christian prince or State in 'league and amity' with England, the Company was not to trade with it unless allowed by that power to do so. The Charter also granted the necessary concessions and facilities about ships, munitions and mariners, customs duties, re-export of goods brought into England, and the export of coin and bullion. And it was finally provided that the Charter would be cancelled if not found profitable to the country on a notice to the Company of two years to wind up their affairs, but that, on the other hand, if the adventure answered expectations, it might be renewed on a petition from the Company, for another period of fifteen years, with such alterations and qualifications in its terms as experience might suggest to be required.

Mukharji, i pp. 1–20,—the text of the Charter.
Hunter, i ch. 6, indispensable for a full understanding.
Ilbert, pp. 3–13.

§ 2. *In Western India.*—The East India Company began as a Regulated Company. For the first eleven years

2 These adjectives mean 'effective occupation'. *Hunter* i pp. 220, 246–47, &c. Also *Roberts* p. 23. The Elizabethan petitioners themselves asked only for leave to trade in the East 'where Spaniards and Portuguese have not any castle, fort, blockhouse, or commandant.' They thus ignored the rights founded merely upon a Papal Bull, but recognised effective occupation. See also Cambridge Modern History IV ch. 25, p. 732.

the members clubbed together at will for a voyage, each voyage being treated as an independent venture. This is known as the period of 'separate' voyages. Some continuity of policy and unity of direction were soon discovered to be indispensable, and from 1611 all the members contributed to the joint stock or treasury of the Company, out of which voyages and other undertakings came to be provided. But in this new system, each joint stock was still for several years only. Each was treated as a separate account, and its profits were divided when the ships of the last voyage furnished out of it had returned and the goods they brought in had all been disposed of. And 'separate' voyages were also undertaken during this period at various times.[1] It is only after Cromwell's Charter of 1657 that these confusing practices finally disappeared, and the Company became a Joint Stock Corporation in the modern sense of the term.

Factories, docks and landing-places, and other property began to accumulate in India almost from the beginning. The Company first obtained what land it needed for such purposes by lease from the petty local authorities. They also approached the Grand Mogul by embassies from the King of England. John Mildenhall, the first of the English ambassadors to the paramount power in the India of the seventeenth century, started from England in 1599 and travelling overland from the Levant reached Agra in 1603, and remained there till late in 1605. He claimed to have been successful in obtaining from Akbar a *firman* granting to the English trade facilities on terms similar to those which the Sultan of Turkey had granted.[2] The

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1 *Hunter*, ii pp. 177-9, footnote 2, gives a summary survey of the Company's voyages and joint stocks from 1600 to 1660.

2 Vincent Smith, *Akbar the Great Mogul* (1917): pp. 292-5. For the distinction between parwana, nishan, firman, sanad, and treaty, see *Hunter* ii p. 51, text and footnote.

ambassadors who followed him,[3] however, did not know anything about this *firman*. In the meanwhile events happened which predisposed the Mogul rulers in favour of the newcomers. The great Mogul Empire even at its zenith was very weak at sea, and it was a matter of high policy with its rulers to have skilled mariners and naval fighters belonging to some other nation, if possible, to play off against the Portuguese. In November and December 1612 the Company's ships under Captain Best defeated a superior Portuguese squadron off Swally Roads at the mouth of the Tapti. Thereupon the Governor of Surat readily granted the Company permission to have factories at Surat and three other places on the Gulf of Cambay, a permission ratified by the Governor of the province of Gujrat. The Portuguese tried to regain the ground thus lost and put forth the whole of their strength in the Arabian Sea against the Company in 1615. But the narrow and tortuous channels between the shoals and silt-banks at the mouth of the river handicapped their galleons, their far greater gun-power and man-power could not be brought to bear, and Downton, against heavy odds, won victories no less impressive than those of 1612.[4] Sir Thomas Roe, the sixth ambassador, reached Jahangir's court at Ajmer at the end of 1615, and his courtly ways secured a favourable consideration for the Company's petitions and grievances for some years thereafter.[5] Moreover, the Portuguese power

3 Hawkins, at Agra, 1607-11; Canning, 1613; Kerridge, 1613-4 Edwards, 1615. Strictly speaking, 'ambassador' is too high a title for these four; more than one of them, moreover, made himself, and his nation, ridiculous at the Mogul court.

4 For a graphic account of Best's and Downton's actions see Principal Rawlinson's recently published *British Beginnings*, ch 4.

5 Roe's great service to the Company lay in the sound advice he gave which the Company adhered to as the cardinal principle of their policy for many years. "The Portugal" he said, "never profited by the Indies, since he defended them. Observe this well. It has been also the error of the Dutch, who seek plantation here by the sword. They turn a wonderful stock, they prowl in all places, they possess some of the best. Yet their dead payes consume all their gain. Let this be received as a rule that if you will profit Seek it at Sea, And in quiet Trade; for without controversy, it is an error to affect garrisons and land wars in India." *Hunter* II 242 ; *Rawlinson* ch. 5.

and influence in the Arabian Sea declined very rapidly after 1615, and the East India Company was very convenient to the Grand Mogul as his sea police suppressing piracy and keeping the route to Mecca open. Surat rose rapidly as the emporium of world-trade with Northern India, and the Company's factory there prospered and soon became their principal factory in India. The coasting trade from the Indus to Goa also came more and more into their hands. And in 1635, five years after the treaty of Madrid nominally establishing peace between England and Portugal throughout the world, the President of the factory at Surat made an arangement with the Portuguese Viceroy at Goa, which secured to the Company four shiploads *per annum* of the richer spices from Goa and other Portuguese ports more to the south.

Hunter i chs. 7, 8; ii ch. 2.

§ 3. *Bay of Bengal.* On the eastern coast of India the Company succeeded, after two ineffectual attempts elsewhere , in establishing a factory in 1611 at Masulipatan, then the chief port of the kingdom of Golconda. Eventually, the Sultan gave them a *swarna-patta* firman: "Under the shadow of Me, the King, they shall sit down at rest and in safety" (1632). But he had little effective power to enforce his authority at the extremities of his dominions. And he, too, like the Mogul rulers, would not allow a fort to be erected. Francis Day went south, therefore, and about thirty miles beyond the Dutch stronghold of Pulikat, obtained (1639) a piece of land with the right to build a fort from the Raja of Chandragiri, Sri Ranga Rayal, a petty chieftain claiming descent from the great Vijayanagar dynasty. The Raja's motives for the grant are highly instructive to the student of history. First, merchants and trade, he believes, will bring wealth to his country. "Secondly, he desires (for his money) good horses from Persia. Thirdly, that yearly he may send a servant into the Bay Bengalla to buy him hawks,

apes, parrots, and similar baubles ... And, lastly, the fort, being made substantial and strong, may be able to defend his person on occasion against his insulting neighbours."[1] Day christened his fort after the patron saint of England, and Fort St. George became the principal factory on this coast from 1642. The Company raised it to the position of an independent presidency in 1653, and placed the Bengal and Coromandal coast settlements under it from 1658.

Meanwhile, one of the Company's vessels had entered Harishpur at the southern mouth of the Mahanadi and obtained permission from the Governor of Orissa to trade, erect factories and build ships throughout the province (1633). A similar license was obtained from the Governor of Bengal seventeen years later. Here Hugli, the imperial port, became the principal factory, but subordinate in its turn to Madras. The advance in the Company's trade and position in this part of India was much slower. They began fairly well while Prince Shuja was governor, with whom Boughton, the surgeon, had some influence.[2] But Boughton died, their own factors at such distance from all supervision and control went to the bad, and Shuja himself was routed by Aurangzeb and driven out of the province (1660). Shaista Khan, the new viceroy, confirmed their earlier grants only in name; there was little chance for profitable trade under his viceroyalty. The Company obtained a *firman* from the Emperor in 1680, but it made little change in Shaista Khan's dealings with them. Only two alternatives remained: either to abandon

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1 Foster, *English Factories* 1637–41, p. 184.

2 See for Boughton W. Foster *Factories* the vols. for 1642-45; 1646-50; 1651-54; also his articles in *Ind. Antiquary*, September 1911 and May 1912. For Shaista Khan's dealings, see *Firminger*, Introduction ch. 3. in *Fifth Report*. Hugli was assigned to him as his *jagir* and he invested the annual proceeds with the traders of the place at high interest. Naturally, these traders would be supported by him in trying to engross the entire trade of the place. Hence ths Co.'s complaints about exactions and high-handed dealings are only one side of the shield.

Bengal altogether, or to see if they could not win better treatment by force of arms. After repeated supplications which the Viceroy ignored, the Company increased the garrison at Hugli (1686). But the Mogul commandant of the place immediately surrounded the English factory and established a strict blockade. A little hesitation and delay, and the tragedy of 1756 might have beeu enacted seventy years earlier. Job Charnock, however, abandoned the factory in time and sailed away, taking with him all he could in his crowded boats. Twentyseven miles lower down, the river deepens and broadens out into a splendid anchorage, the western bank is low, and the eastern is so protected all round by fens and swamps, and the older channel of the Adiganga, that a naval power holding the anchorage and the approach to it from the sea, could protect that bank against all enemies from the land. This is Calcutta, and here, mainly through the persistence of Charnock, the company started a factory from the 24th August 1690.[3]

Hunter ii chs 3, 4, and 7.

§ 4. *In England.* The Company obtained a fresh Charter from James I in 1609 with ampler powers granted to them in perpetuity, and the support of many courtiers and men of rank enabled them to collect larger sums for their voyages and build their own ships. The Company raised joint stocks, each of them for a number of voyages in succession. On the other hand, the Dutch grew more and more hostile to them in the East Indies, and the King granted licenses to adventurers who behaved in Eastern seas like pirates, and the native rulers held the Company responsible for the injuries these 'interlopers' inflicted upon their subjects. During these early years the Company experienced many ups and downs of

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3 The district had the further advantage of being under the direct jurisdiction not of the Nawab but of one of the feudatories, the Raja of Burdwan (Orme Bk. VI vol. II p. 1[illegible]).

fortune, and but for the footing they had more or less accidentally won at Surat and Madras, they might have been overwhelmed even before they had made a fair start. Another important factor that enabled them to weather the storms and squalls of these early years was the long period for which they entrusted their helm to one and the same individual as chairman. Sir Thomas Smythe the first Governor of the Company was re-elected every year upto 1621; Sir Morris Abbot was Governor from 1624 to 1637; and William Cockayne, from 1643 to 1658.[1]

In 1635 Charles I granted a license to Sir William Courten and others to trade with the East, and the rival company thus started involved the East India Company in serious losses and troubles for years, for which no redress could be had either from King or Parliament. Moreover, as soon as the Civil War began, the Roundhead section of the Parliament, sitting at Westminster, seized the Company's cannon, and took from them a forced loan of £ 5000. By 1647 even the Governor and 'committees' lost heart and seriously thought of winding up their affairs. But better days soon dawned. When the Commonwealth declared war against Holland the Company's wrongs at Amboyna and elsewhere figured amongst the causes. And the treaty of 1654 awarded the Company £ 85000 damages from the Dutch. The treaty with Portugal, a little later, also threw open the Portuguese East Indies to English ships. Earlier still, the Commonwealth Council of State had compelled the Company and Courten's Association, or the Assada Merchants (as they had come to be called), to arrange a compromise themselves, and the Parliament had resolved "that the trade to the East Indies should be carried on by one Company and with one Joint stock...under such

1 Sir Morris Abbot was one of the founders of the E. I. Company. He was Deputy Governor from 1615 to 1623, and had been a 'Committee' for some years when elected Deputy Governor. William Cockayne had been a 'Committee' from 1629 and Deputy Governor from 1639. And after 1658 he served again as a 'Committee'.

regulations as the Parliament shall think fit, and that the East India Company should proceed upon the agreement made between them and the Assada Merchants until further orders" (1650). Outside merchants also continued to clamour for permission to share in the Eastern trade, both individually and in associations. Licenses were granted to some of these petitioners also, but eventually the Commonwealth authorities examined the whole subject thoroughly and were convinced that unless England was prepared to protect by diplomacy and by force of arms every English adventurer into the East, and also to keep a curb upon his actions at the same time that it accepted full responsibility for them as a State, the only alternative to "open trade" was a system of monopoly.[2] This was therefore the basis upon which Cromwell granted a fresh Charter on the 19th October 1657, which insisted upon the Company having "one continuous Joint Stock." Under this Charter the Company themselves made regulations by which any one could join them on payment of an entrance fee of £ 5, the minimum subscription for a shareholder was fixed at £ 100, each holder of £ 500 stock was to have a vote in the 'general court,' any holder of £ 1000 stock was eligible for election as a 'committee,' eight of the twentyfour 'oommittees' were to retire every year, and no one was to be Governor or Deputy-Governor for more than two consecutive years. Thus was the East India Company born again: "trans-

2 "The form of monopoly, which later times resented, seemed natural to the men of the time. Nor, indeed, was the claim to some kind of monopoly unreasonable, in the special circumstances. If the State had no settled revenue for the purpose of extending the area of the national influence, and if the individual trader left to himself was powerless to encounter the risks, the Company which provided against these might well ask in return some compensation; for the private trader, if able to trade in peace because of the security afforded by the Company's ships and forts, would by his freedom from such expenses be enabled to undersell the Company in the home market."—*Cambridge Modern History IV*, ch. 25, p. 730.

formed," says Hunter, "from a feeble relic of the mediæval trade-guild into the vigorous forerunner of the modern Joint Stock Company."

Hunter i ch. 7; ii chs. 1, 5 and 6.

§ 5 *To 1707.*—Charles II gave the Company several Charters. The first (1661) conceded to them wide powers over their subjects in the East, servants and others; allowed them to have ships of war, munitions and forts; and permitted them to make war and peace with non-Christian States. The same year he obtained Bombay as a wedding gift from Portugal and sent a small fleet to take possession, but the Portuguese Governor raised the objection that the gift did not include Thana and Salsette. The dispute lasted over three years[1] and over three hundred out of the four hundred soldiers and sailors died in the meanwhile of scurvy and the climate. The royal officer in command waived the claim in order to save the remnant of his little band and obtained possession of Bombay Island in 1665. The king, however, found the new acquisition a white elephant and transferred it to the Company; and with it he granted a Charter (1669) creating the first European regiment of the Company's army out of the officers and soldiers who were there. This Charter also empowered the Company to make laws and regulations, and invested them through their Governors and officers with extensive powers of civil and military government over their subjects. The Company induced

1. The real motive of the Portuguese was, they thought Bombay Harbour too valuable to part with; "the best port," wrote the Portuguese Viceroy (to his king), "Your Majesty possesses in India, with which that of Lisbon is not to be compared."—Malabari *Bombay in the Making*, p. 94. Also when the final orders were received, "I foresee the great troubles that from this neighbourhood will result to the Portuguese, and that India will be lost on the same day on which the English nation is settled in Bombay."—*Gazetteer of Bombay City and Island* ii pp. 45-49.

Indian merchants and artisans to migrate from Surat, adopted a liberal policy towards cultivators who were drawn within their limited boundaries from the surrounding districts, and Bombay grew rapidly almost from the first. Charles's third Charter was similarly occasioned by his transfer of St. Helena to the Company and was equally liberal in its concession of powers. Moreover both at Bombay and at Madras there were rebellions and factious squabbles leading to bloodshed and disorder, and the Directors, finding their powers under these Charters inadequate, had to send out Commissioners with still wider exceptional powers to restore order. Hence the Charter of 1683 gave to the Company very nearly all the powers of a State, subject only to a reservation of the 'sovereign right power and dominion' of the Crown, 'when We shall be pleased to interpose Our Royal Authority thereon.' And the power to coin money at Madras and Bombay had been granted by an earlier Charter. James II further empowered the Company to raise naval forces (1686) and authorized them to establish a Municipality [2] at Madras (1687), who were to provide, among other things, 'a schoolhouse for the teaching of the native children to speak, read and write the English tongue and to understand arethmetick and merchants' accompts'. The Company's factories during all these years were under Surat, and the continuity of Government and policy that is secured by long rule under one and the same individual, we discover at this stage of the Company's history in the long tenures of office of the Surat Presidents. Sir George Oxenden filled the post from 1662 to 1669. Gerald Aungier succeeded him on his death and died at his post in turn in 1677. He is the real founder of Bombay. Under his firm tolerant and sympathetic regime the revenue of the place increased threefold

2 The Mayor and two of the Aldermen were to be English, but of the other ten, three were to be Portuguese, and seven Musalmans or Hindus.

and the population sixfold. Sir John Child was President from 1682 and he too died at his post in 1690. The transfer of the Company's headquarters from Surat to Bombay took place in his time in 1687, so that he may be looked upon as, in a sense, the first of the long line of the Governors of Bombay.

For about a generation after the amalgamation with the Assada merchants, the Company followed a fairly liberal policy towards outsiders. Any Englishman was free to settle at any of its factories, its own servants were allowed to trade privately within reasonable limits and to settle in India after leaving service, and it also conceded licenses to the ships of adventurers to visit and trade at its settlement pretty freely. Nevertheless, the outside public were not satisfied. They wanted a perfectly open trade. And there were sympathisers with this view in the Company itself. A proposal was brought forward in 1681 to wind up the Joint Stock of 1657 and invite subscriptions for a new on from the public at large. This was defeated, however, and from this point onwards the Company became stricter in asserting and maintaining its privileges and keeping 'interlopers' at arm's length. Charles II's Charter of 1683 authorized the Company to set up admiralty courts which could confiscate the ships and goods of all interlopers. The matter was fought out first in the law-courts. [3] The defeat of open trade there, however, served only to excite public opinion the more. And English *swadeshi* (स्वदेशी) opinion was also hardening fast against the calicoes, muslins, shawls and art fabrics of India. The struggle was transferred to Parliament and in January 1690 a committee of the Commons heard both sides and reported that there should be 'a new Company and a new Joint Stock established by Parliament'; but until it was established, the East India Company was to continue, all its privileges unimpaired. The next House of Commons was

3 E. I. Co. *v.* Sandys (1683-5).

Tory, but it also decided against the retention of the Company in its exclusive character, and asked the King 'to dissolve it and issue a Charter to a new one on such terms as His Majesty might see fit' (1692). The next year the Commons repeated this resolution emphatically, asking the King to give the Company the necessary notice. Instead, what the Company obtained, however, from the King's ministers was a new Charter for twenty-one years[4]; the only concession in it to outsiders was that the Company's capital was to be increased by 744,000 l. new subscriptions. The Commons were naturally angry, and took advantage of the detention of an interloper's ship [5] by the Privy Council at the instance of the Company, to declare 'that all Englishmen have equal right to trade to the East Indies unless prohibited by Act of Parliament (1694). The King, too, thereupon revoked all the articles in his recent Charter against interlopers. Obviously, the matter could not be allowed to remain in such a mess. As soon as the war against France was over, Parliament passed an Act for raising a loan of two millions sterling at eight *per cent.* and for settling the trade to the East Indies by founding a new Company, each subscriber to the loan to have the right of contributing a share in the Company's stock proportional to his subscription (1698). To this loan the East India Company promptly subscribed 315,000 *l.*, the largest single subscription. The most prominent of the other subscribers, however, combined together into a joint stock company, as the Act allowed, and on a petition the King granted them an ample charter in the name of the "English Company trading to the East Indies." Perhaps the most noteworthy novelty in this charter, which owing to subsequent events came to be the foundation-stone of the United East India Company's privi-

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4. The result was due to Sir Josia Child's bribes, both heavy and discreet. The secret service money account of the Company placed before the House of Commons Committee in 1695 showed that 23, 467 *l.* were expended thus between 1683 and 1692, and 80, 468 *l.* in 1693.

5. The *Red Bridge.*

leges, is the following: "All ministers (of religion) shall be obliged to learn within one year after their arrival the Portuguese language, and shall apply themselves to learn the native language of the country where they shall reside, the better to enable them to instruct the Gentoos that shall be the servants or slaves of the Company, or of their agents, in the Protestant Religion."

Both Companies were soon convinced that they must come to an understanding and amalgamate. In India the efforts of the new Company to establish the same three Presidencies as the old had created, and in the same places too, brought no gain to themselves and involved the old Company in great difficulties. In England the doubled imports glutted the markets and raised the *swadeshi* opposition to a height. Parliament penalised the wearing of Indian silks and imposed heavy duties upon their importation (1700). And a union appeared more and more imperative as the War of the Spanish Succession drew near. It was effected at last, exactly a week before the outbreak of the hostilities, in the form of an Indenture Tripartite between the Crown and the two Companies (1702). The new Company had subscribed 1,662,000 l. of the loan, the old Company had subscribed 315,000 l. The first condition of the Union therefore was that the old Company was to take over 673,500 l. of the loan from the new, so as to equalize the shares of both. On the other hand the deadstock, houses, factories and forts of both the Companies together were valued at 400,000 l., of which the senior Company's share was worth 330,000 l., and so the new Company was to pay 130,000 l. to it, to equalize matters. Secondly, on the new board of directors each Company was to elect twelve and this joint board was to be supreme from the date of union. And, thirdly, seven years were to be allowed to each Company to wind up its separate affairs. The Act of Parliament[6] constituting this

6 This Act, the Charter to the English Company, the Indenture Tripartite, and all resolutions of parliament on the Company's affairs from 1694 onwards should be printed in full by compilers of source-books.

"United Company of Merchants of England Trading to the East Indies," took from it a further loan of 1,200,000 l. in return for the privilege, and also provided that they were thereafter to receive annual interest for the whole amount of 3,200,000 l. at the rate of five *per cent.* only (1707).

Hunter ii chs. 7, 8 and 9.
Ilbert pp. 13-30.
Roberts chs. 3 to 7, the best brief account of the first century.

CHAPTER II

THE EAST INDIA COMPANY:—THE SECOND CENTURY

§ *6. Farrukh-siyar's Firman.*—From the constitution of the United Company to the War of the Austrian Succession in Europe, the East India Company enjoyed nearly forty years of steady growth in resources, experience, influence, and power. The period of peaceful penetration and local consolidation enabled the three Presidencies[1] to train up a body of men who knew their work and surroundings thoroughly, and were quite prepared to face the greater problems and difficulties of the troubled times that followed. The great Mogul Emperors had administered their major provinces by a system of triple or quadruple establishments which served as checks upon one another. The Nawab, who was titular head of the province, had but a limited power confined to functions strictly circumscribed. The Diwan of the province was an independent officer with his own establishments in city and zilla, which exacted a strict

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1 Calcutta became finally independent of Madras, 1707.

account of all the revenue and expenditure and rendered it direct to the imperial treasury. The customs revenue of the province was within the Diwan's direct control, and when the larger *jagirs* of the greater functionaries and feudatories (to none of whom the Emperors allowed more than a life-interest) fell vacant on the death of an incumbent, it was the function of the Diwan rather than the Nawab to take possession. The judicial administration, again, such as it was, was in civil cases in the hands of *kazis*, whose dependence upon the Nawab was slight. And, lastly, even in military matters, the strong fortresses in the province as also the imperial ports were entrusted each to a Governor, who was not a subordinate of the Nawab. This system, however, had been breaking down during the last decades of Aurangzeb's reign, and soon after his death one and the same officer, styled the Subahdar, everywhere combined in his own person the duties of Nawab and Diwan, and succeeded in becoming the absolute ruler of his province in everything but the name. If he forwarded to Dehli more or less regularly a sum in commutation of the annual revenues of the province, and knew how to keep the influential ministers and courtiers surrounding the Emperor well-disposed towards him, "he had nothing to fear but an army from Dehli, which was always coming but never came." [2] All persons and powers, great and small, throughout the extensive empire, from village communities, trading castes, and industrial gilds, up to the great hereditary Rajas in Rajputana, felt the change that had come over the spirit of the Empire, and reacted towards it in one and the same way for the preservation of their rights from the growing exactions and tyrannies of the local magnate, and the increasing insecurity of their surroundings. They strengthened themselves as best they could, and also sought by all means in their power a

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2 Orme, *Dissertation* (vol I, p. 28). See on the subject, Sarkar, *Mughal Administration* (1920); *Moreland*, ch. 2.

clearer definition of their rights from the highest authority. The Company too had no other option. The *zamindari* rights over the district surrounding Calcutta [3] were purchased (1698), and the fortifications of Fort William were strengthened (1707-14). And they sent an embassy to the emperor Farrukh-siyar. The President of Fort William in his petition for redress, called the Emperor "absolute monarch and prop of the universe," and compared himself to "the smallest particle of sand with his forehead at command rubbed on the ground."[4] The grievances complained of related to all the three presidencies. And they were lucky in getting full redress–on paper–on all the main points within the short space of two years. This was the result of the Mogul fear of the Company's strength at sea. Bombay, unable to stand any longer the excessive exactions of the Governor of Surat, withdrew the factory from that port in 1717, which instantly excited serious alarm. For it was remembered that the last withdrawal of the kind had been followed by the Company's fleet preying upon Mogul shipping wherever found throughout the Indian seas.[5] Farrukh-siyar's firman

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3 Sutanuti; Govindpur and Calcutta. Fort William was built at Govindpur as soon as the Zamindari was acquired. Prince Azim-ush Shan, Farrukh-siyar's father, was Nawab at the time, and granted the Co. all they asked for, "having bent his chief attention to the amassing of a treasure against" the contest for the succession, certain to break out on the death of Aurangzeb.—Mill IV ch. 1 p. 26.

4 Roberts p. 62.

5 In 1686-7, when the loss inflicted was valued at over £1,000,000, and the trade from Surat and other ports was dislocated until peace was made, 1690. Orme (Bk VI), Mill (Bk iv ch. i) and other writers following them attribute the success of this embassy in some part to the influence of Hamilton, a physician who happened to cure the Emperor of some illness. But he treated the Emperor during October and November 1715, while the firman was not granted till July 1717. Orme's own account shows that at the most the physician's influence only saved the embassy from a dismissal soon after their arrival, although this they had fully earned by their stupid disregard of the Vazir, the only proper official through whom to approach the Emperor. Again, Mill's language about the "public spirit" and "generosity" of Hamilton, who "preferred the Company's interest to his own," is hardly justified. The Emperor celebrated his recovery by a public durbar, 30th November 1715, at which he rewarded Hamilton with a splendid *poshak*—diamond rings, *kalgi* with precious stones, gold buttons set with jewels, a miniature gold set of medical instruments, &c., and also an elephant, a horse, and Rs. 5000—Auber, quoting from the reports of the embassy to Calcutta, Vol. I, p. 20.

allowed the Madras Presidency to take possession for an annual quit-rent of some villages round Madras, which the Subahdar of the Karnatak had granted but again resumed. The Bombay Presidency obtained the valuable right of exemption of their imports and exports at Surat from inspection and delay; they had only to pay a fixed annual sum in commutation of customs. The cargoes of English ships wrecked anywhere along the Mogul coasts were to be protected from plunder. And Calcutta obtained exemption from stoppage and examination of all goods and ships certified by the President's *dastak* (दस्तक signature *i. e.* signed certificate) as belonging to the Company. This was a most valuable privilege which the Company tried to stretch to the uttermost. The Subahdar of Bengal refused to recognise the validity of the President's *dastak* in the internal trade of the province, or in goods passing up or down by land. On water, however, the Company was strong, and the effect of the firman was to enable them to quickly monopolise the entire riverine and inter-provincial trade of this rich province. The President granted his *dastak* not only to the Company's goods, but also to the goods of the Company's servants, who traded largely on their own account, and were allowed by their masters to do so in many articles, since the salaries paid to them were miserably low. And the Company's servants began to earn large commissions besides, from the native merchants, merely by extending to them also the protection of the President's *dastak*. The volume of the goods thus entrusted to them for transport rose very rapidly, and the Company further improved their gains by increasing their own shipping. The Emperor his ministers and his courtiers, it may be noted in passing, could not possibly have realised that their firman would thus enable a foreign Company to engross so high a proportion of the trade and shipping of the richest province of the empire When the *firman* reached Calcutta, Madras and Bombay the presidents and council received it with regal honours, 151 guns from the fort and the broadsides of every vessel

in the port roared forth their jubilant welcome. Orme called it the Magna Charta of the Company, and it certainly gave them an assured legal status and constitutional rights derived from the highest authority in India. The very fact that the Company habitually exaggerated the worth and significance of such grants and concessions as they had hitherto obtained, shows the high value rightly attached to a *firman* of the Emperor under the Mogul system.

Roberts, ch. 8.
Mill, Bk. iv ch. 1.

§ 7. *New Era.*—Thus a hundred and fifty years after their foundation the East India Company were rulers at Bombay but only zamindars at Madras and Calcutta, and mere traders at their factories inland. But a new era began in their fortunes with the war of the Austrian Succession and in the short space of twenty years (1745-65) transformed them into a powerful State ruling over extensive provinces. And when once they began to mount up the ladder of power they ascended the steps easily and rapidly, until before long they were firmly established on the summit. Many causes contributed to this result, which was as unexpected and unforeseen by the Company themselves as by any one else.

The main internal cause was that the Mogul Empire had broken down, political conditions in India had become chaotic, and the country was in the throes of an "internal revolution," "a state of chronic war and mutual plunder," during which "authority had fallen on the ground and lay there waiting to be picked up by somebody."[1] Wars, it must be noted, can only be carried on for many years at a stretch when the theatre of warfare can itself be made to supply in abundance the men and resources so essential to prolonged operations; but a state of internal revolution is also a state of chronic warfare just because it fulfils these conditions.

1 Se *Expansion*, II series, esp. Lec. iii.

The main external cause was that England had already won a position of maritime supremacy in the world, and every effort made by her European rivals singly and in combination to challenge and weaken this, enabled her on the contrary to strengthen it more and more throughout the eighteenth century.[2] The principal rival of the English in India was the French East India Company, which was by far the weaker of the two in every respect. Even if the two Companies had been left to fight it out by themselves, the English Company was certain to win. And it so happened that France was also the principal rival of England in Europe and America. Thus although the E. I. Company was in fact only a petty monopolist body of a few hundred traders–not all of them Englishmen —its cause nevertheless assumed a national aspect, and England as a State gave it a fairly consistent support at this critical stage of its fortunes in war and in diplomacy.

Nor should some remarkable traits of the English character be forgotten. The history of no other people shows such uniform good luck; perhaps because (1) the English have extraordinary staying-power, (2) they discern and seize opportunities, and (3) in the moment of success they restrain themselves, they keep cool, and are content with appropriating less of the legitimate fruits and spoils of victory than almost any other people. The history of no other nation shows such uniform good luck; perhaps also because while few—very very few English statesmen soldiers or admirals have been men of genius, (4) the proportion amongst their empire-builders has been surprisingly large of administrators, who, as even Mill was constrained to admit in the case of Warren Hastings, "excelled in applying temporary expedients to temporary difficulties; in putting off the evil day; in giving a fair complexion to the present one."[3] At any rate, it is a

2 Mahon, *Sea Power*, esp. ch. 7 pp. 273-9, ch. 8 pp 305-310 and ch. 12.

3 Mill, Bk. V, ch. 8, last paragraph.

historical fact that the Indians of that century soon discovered something subtle behind the Company which they called her 'Star' and came to repose more and more faith in it.

To pass on to causes and influences not so difficult to appraise. The Indian States pitted against the Company were under a system of personal rule. A particular ruler might be able and trusted by his people and army, and might have a clear far-seeing policy to which he resolutely clung; but on his death there might be a war of succession, a minority, or a successor who was incompetent or distrusted or hampered by palace intrigues, or one who, though free from such difficulties and able himself, might have other aims or methods.[4] A corporate authority might also be distracted by personal jealousies and differences: the ill-success of the French in India was to some extent at least due to this cause. But even prejudiced students of the history of the East India Company must admit that it showed less of this defect than might have been expected. A united front was maintained on the whole, a fairly continuous policy was evolved, although the field of operations must have looked to the foreign eyes of these pioneers bewilderingly various and tropically prolific of surprises. The French have more practical originality and less colour prejudice than any other "white" people, and it was in the fitness of things that they should have been the first to try and test the experiment of imparting the weapons and discipline of the European art of war to Indian soldiers. It was also quite as natural that the English should reap the full harvest of what others had sown, merely in an experimental farm, as it were. For, supposing for the sake

4 A very good instance of this last is the remarkable change that came over the war of the Karnatak immediately on the death of Haidar Ali. Tipu was also a strong and able ruler, but of a type altogether different from his veteran father, who sensitively shifted his sails to every breeze that blew.

of argument that the French had not been knocked out of the ring at so early a stage :—there would have been a French zone in India defended by an army mainly Indian ; the organisation of that force would have been very different from that of the Indian army created by the English East India Company; that part of India would in all probability have been annexed to the mother country at an early stage of its history, and would have become as integral a part of France as is Algiers. There would thus have been a super-imposition of the French culture upon Indian, and this might have developed one knows not what disorders, tumults and horrors; and, lastly, even supposing them all successfully surmounted, that zone would have remained un-Indian for one knows not how many centuries. Finally, with Chanda Saheb began a long line of Indian rulers and adventurers who saw the European art of war exemplified by armies composed mainly of Indian soldiery, and grasped its supreme importance for success as soon as they saw it. The greatest in this line of succession were Sadashivrav Bhau, Mahadji Shinde (Sindhia), and Ranjit-Sing,—each of whom acquired far more of it than his predecessor. But none, not even the last, could master it fully. And no wonder. Generalship, strategy, tactics; the provision of the necessary forts, ordnance, munitions; the training of the unit, the company, the army-corps; the proportion of the various arms; their proper use at the right moment and point in the right manner; the keeping of an army in being in peace and in war, in victory as well as in defeat; not to mention inventions or improvements:—it is too complex a matter to be mastered without several generations of a continuous tradition. The army at the front needs to be fed continuously, and not with food only; and that means factories and military colleges, and behind and supporting it all, a highly developed stable political social and economic system. In one word, the army scientifically trained and equipped, is, to use an Indian figure, the mace of Bhima; but Bhima the Pandawa alone can wield it and smash his foes with it. In some

lesser hand, it invariably smashes up both him and itself to pieces. Thus it was that the miracle of an all-red India came about quite un-miraculously in the course of the sanguinary century between the petty and chance encounter at St. Thome (1746) and the great artillery battle at Gujrat (1849).

§ *8. The Diwani.* Within twenty years of the deposition and murder of Farrukh-siyar Nadir Shah's invasion reduced the Mogul Empire to a mere name, and Subahdars in the outlying provinces became independent. The founders of these new kingdoms were self-made men trained to arms and administration in the hard school of personal ups and downs and while they lived their sway over the provinces they had seized and were holding together was a reality. But the moment their eyes were closed chaos began. Dupleix and Bussy tried to turn the situation to the profit of the French Company at Arkat and Haiderabad and failed (1748-61). Clive at Murshidabad and Patna succeeded (1757-65). Siraj-ud-doula was deposed. Mir Jaffar was placed on the *masnad*,[1] but soon discovered that he could neither control his foreign allies, nor satisfy their greed, nor maintain himself without their support. All North India went in daily dread of Ahmad Shah Abdali's movements. Shahzada Ali Gauhar, moreover, appeared with an army on the borders of Bihar, appointed Subahdar of Bengal, Bihar and Orissa by his father the Emperor. Mill is of opinion that the English might now have transferred their support from Mir Jaffar to him. "On what side justice lay," he remarks, "is

1 "The revolution of 1756-7 was... the overthrow of a Muhammadan Government by the trading and financial classes, Hindu and British; both the latter gained commercially, though the British took the predominant part in the actual events, and alone succeeded to the political sovereignty"—Roberts, p. 130. The parties to the conspiracy against Siraj-ud-doula were three: Mir Jaffar or rather, I should say, Miran and the Muhammadan leaders in the army, the sheths, and the English. The statement that the Hindu trading and financial classes also gained by the revolution requires proof.

evident enough. On what side policy, is a more subtle inquiry." [2] The people concerned, however, from Shuj-ud-doula of Oudh and Ramnarayan of Bihar downwards, [3] no longer considered it obligatory to pay any respect whatever to the rights and firmans of the Emperor —who was a mere tool in the hands of Vazir Gazi-ud-din, or to the claims of a Prince, who had constantly plotting against him that unscrupulous Vazir as his mortal enemy. In the course of his second invasion, however, he had himself, on his father's death in November 1759, become Emperor as Shah Alum, and after the decisive battle of Panipat (1761), Ahmad Shah Abdalli had acknowledged his title and recommended his restoration to Dehli to Shuja-ud-doula, Najib-ud-doula and the other Muhammadan princes of Hindustan. The East India Company therefore thought it prudent to regularise the position in the lower provinces. Although they had defeated him in battle, they invited him over to Patna, where Mir Kasim (who had replaced Mir Jaffar) rendered him homage, and it was agreed that an annual tribute of Rs. twentyfour lacs was to be paid to him. The Emperor at the same time offered the *diwani* of the provinces to the Company and requested their aid for his advance upon Dehli. But the general instructions of the Court of Directors were "to act with the almost caution" and both the adventure and the offer were declined. [4]

This offer of the Diwani had indeed come as early as 1758. The Dehli treasury had been receiving from the lower provinces an annual revenue of Rs. fifty lacs before the breakdown of the Mogul administration, and it was

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2 Also —"To oppose him was undisguised rebellion." Bk. IV ch. 6.

3 *Seir*, Section IX. The author also notes the reluctance of the English, at first, to appear in arms against the Shahzada; and observes that it was because they were "uninformed of the real state of affairs in Hindustan"—Vol. II, p. 326. Roberts' views of this raid of Ali Gauhar's (*India*, p 146), as well as of his next (p. 158), are quite different.

4 *Seir*, Section X (II 404-409); *Auber*, I 79-84.

only natural that the Emperor and his ministers should still cast longing eyes at such an income, and be always ready to pass the deeds in favour of any one at all likely not only to accept but also to fulfil the responsibility of a more or less regular remittance. But power has its duties no less than its spoils, and the spoils of power must sooner or later drop out of the hands that have lost the ability to discharge the duties. Clive had referred to this offer in his letter to Pitt (1759) and expressed his own view in no uncertain terms that it would be a magnificent acquisition for the Kingdom of England, whereas "so large a sovereignty may possibly be an object too extensive for a mercantile Company."[5] Pitt however was not to be tempted, although Clive's agent told him that "if the State neglected it, the Company in process of time would secure it, that they would even find themselves under a necessity to do it for their greater quiet and safety, exclusive of gain." If Mir Jaffar had shown greater capacity, or if the Company's servants had proved less rapacious, if the Company's arms had been less irresistible, or even if Clive had not with the audacity of genius completely extinguished the political influence of the French and the Dutch in this part of India, the fulfilment of this forecast might have been delayed. As it was, Mir Jaffar was deposed, Mir Kasim was driven into a war, the first was re-installed, and on his death, not his grand-son and heir, but his second son was elevated, and it was stipulated, moreover, that all his power was to be actually exercised by a *Naib* (deputy) chosen by the Company. Thus the Nawab, whose jealousy of the Company acquiring an independent status was one reason for their hesitation in the past, sank into a mere puppet and ceased to count. On another point also the Company were now prepared by eight years of close contact and crowded experience to judge and act for themselves.

5 *Firminger*, pp clv-clvi.

The Emperor, the Nawab Vazir, the Rohilla and other Muhammadan chiefs, their actual power and their mutual relations, their designs and their methods, the Company were now able to estimate and utilise for their own ends, and so as to suit their own peculiar constitution. While the Indian princes with whom they had to deal were thinking only of the situation in India, the Company had to consider no less their own position in English law and polity, and England's relations with other European powers. Hence, they wanted a legalised status within the Indian political system, the status not of a sovereign but of a subordinate under the *chhatra* (umbrella) of the Emperor and the Nawab, and yet they also wanted an absolutely free hand within the territory they occupied, and, lastly, a land frontier or barrier not imposing upon them too great a strain to defend. After the decisive battle of Baksar, and especially after the skirmish near Kora (May 1765), when Shuja-ud-doula's last ally, Mulharji Holkar, " galloped up and down like one desirous to do something, but confounded and appalled by the English fire, put spurs to his horse and galloped away altogether, "[6] the Company could have seized the whole of their enemy's territories; or they could have accepted the Emperor's proposal to take Gazipur and Benares for themselves, and let him have the rest. There must have been other proposals also from Balwantsing of Benares, Sitab Rai, and other friends and counsellors. But the Company were bent upon securing —not as large a territory as they could seize, nor the position of a sovereign—but something far more modest and serviceable: reliable friends, a stable frontier, an unimpeachable title, and, behind these, years of peaceful and profitable trade. This is the meaning of the Diwani treaties between the Company, the Emperor, the Nawab Vazir, and the Raja of Benares, though the whole proceedings had to outward appearance an unreality, which historians, from the author of the Seir

6 *Seir* II 580.

Mutakherin downwards, have not scrupled to ridicule. If a definite time point be desired from which to date the beginning of the British power in India, it is far more accurate to fix it at the 16th January 1761, when Pondicheri changed hands, or at the 10th February 1763, when the Treaty of Paris was signed, or at the 23rd October 1764, the date of the decisive battle of Baksar, or finally at the 12th August 1765, the date of the diwani firman, rather than at the third battle of Panipat with which the English had nothing to do, or at the flight of Siraj-ud-daula from Plassey, which even military enthusiasts cannot magnify into a battle.

Aitchison, I 227 gives the text.
Roberts, chs. 13 and 14.
Mill, IV chs. 3, 5 and 7.
Firminger, ch. 8.

§ 9. *The Regulating Act* :—We have seen how Farrukh-siyar's firman was interpreted and how immensely the East India Company prospered under the concessions granted in the lower provinces. These arrangements, however, had left the internal trade and all the land trade in the hands of the inhabitants and subject to such duties and regulations as the Nawab might impose. And disputes and differences between the Company or its servants on the one hand and his subjects on the other, went to the Nawab and his courts for settlement. But as soon as the revolution of 1757 was accomplished and Mir Jaffar became Nawab, the logic of events placed the East India Company and their servants and agents, English and Indian, above the government of the country. "Neither the Nawab nor his officers dared to exert any authority against the English, of whatever injustice and oppression they might be guilty. The *gumastas* or Indian agents employed by the Company's servants not only practised unbounded tyranny, but overawing the Nawab and his highest officers, converted the tribunals of justice themselves into instru-

ments of cruelty, making them inflict punishment upon the very wretches whom they oppressed and whose only crime was their not submitting with sufficient willingness to the insolent rapacity of these subordinate tyrants...The crimes of the English and their agents" went unpunished, "and the unhappy natives lay prostrate at their feet."[1] Did not the Company's trade prosper all the more ? It is quite impossible for trade to prosper, if industry and labour of all kinds languish, as these must, where there is no justice to be had, and where there is no security that the worker will himself reap the legitimate fruits of his own industry and skill. Besides, the Company's servants of every grade were only too eager to imitate the unworthy example set by Clive and his associates, and all and each plunged into the tempting task of accumulating princely fortunes as rapidly as possible. And these India-returned 'Nabobs' bought country seats and rotten boroughs, speculated in the Company's shares and on the Exchange, and thrust themselves into society and parliament. The evil was of a cumulative nature, the entire tone of life, public, social and private, was threatened, and no defence or remedy was possible unless the rank growth could be cut at its economic roots, and the roots themselves dug up and destroyed. Some of the most clear-sighted men in Parliament applied themselves resolutely to the task. "If sovereignty and law," said Colonel Burgoyne, "are not separated from trade, India and Great Britain will be sunk and overwhelmed, never to rise again."[2] And they honestly believed it to be an essential part of their patriotic task to

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1 *Mill* IV ch. 7. Compare *Lecky* ch. 12:—"Never before had the natives experienced a tyranny which was at once so skilful, so searching and so strong. Every Sepoy in the service of the Co. felt himself invested with the power of his masters. Whole districts which had once been populous and flourishing were at last utterly depopulated, and it was noticed that on the appearance of a party of English merchants the villages were at once deserted, and the shops shut, and the roads thronged with panic-stricken fugitives." And *Adam Smith* IV ch. 7.

2 *Roberts*, p. 163.

make an example of Clive himself, the most eminent of the 'Nabobs.' The Court of Directors, too, tried every means in their power to forbid, to penalise and to end finally and for ever all private trade by their servants. But the only instruments through whom they could work were their own servants in India, and the magnitude of the temptations and opportunities which these had so suddenly thrust before them, tainted the whole class. It is sometimes said that the Company were not liberal enough to raise their salaries to a pitch demanded by the altered cirumstances. But the change brought about had been so sudden and revolutionary in character, that it was not easy to readjust salaries all at once. Nor would a mere increase in the salaries, however great, have answered the purpose; what was really wanted was a new class of servants, drawn from a higher stratum of society and with a higher outlook and sense of duty; and this it was not in the power of a body of traders to supply. And besides, for one and the same corporation to be both a trading body and a ruling power responsible for the welfare of millions of subjects, was in itself a combination of a vicious character, radically unsound, and certain to give rise to incurable anomalies and iniquities. Such were the deeper ideas and motives seeking to guide the action of Parliament—and of the British ministry—on Indian questions, from the moment that the Company ceased to be mere traders; ideas and motives which continue to gather force until they achieve their triumphs in the great Charter Acts of the next century.

In the beginning, however, it is not at all surprising that even the best advocates of these ideas did not see very clearly all that was implied, or how to apply their own notions of what was ultimately right and proper to the complex concrete and urgent problems presented by the Company. As the value of their stock rose in the market the proprietors had insisted upon better dividends.[3]

3 1755 to 1766-6 %; 1767 to 69-10 %; 1770-11 %; 1771-12 %; 1772 and first half of 1773—12½ %.

The Government, too, had as a temporary measure imposed upon the Company an annual tribute of £ 400,000, in return for a permission to keep the territorial revenues to themselves. [4] Lastly, 1769-70 was in the lower provinces a year of famine so severe that the starvation and the pestilence which followed carried off over a crore of people, at least a third of the usual area ceased to be cultivated, and the after effects continued for over twenty years, until at last the country made a fresh start from the date of the permanent settlement of Lord Cornwallis. The Presidency of Madras had also got into a tangle of grave embarrassments, [5] and the Company's finances in England could no longer stand the strain. Their credit was exhausted, their tribute for 1772 could not be paid in full, and, at the end of their resources, they were forced to petition the ministry for a loan of one million pounds (August 1772). The Parliament and the general public had been taking increased interest in the affairs of the Company since 1757, and the many personal enemies Lord Clive had made wanted to punish and dishonour him. The Parliament had already appointed a Select Committee for a thorough investigation into the affairs of the Company, and now appointed a Secret Committee. The evils revealed by the reports of these Committees were—(1) vast sums had been obtained by the Company from the native powers as compensation for losses and military operations, (2) and by the Company's servants as presents, [6] (3) revolutions and wars had been

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4 By an Act of 1767 followed up by another, April 1769, which prohibited any higher increase of dividends than at one *per cent. per annum*, or any increase beyond 12½ %. The E. I. Co. had also been paying customs duties upon their exports and imports annually amounting to not less than 1½ millions.

5 Neither was Bombay better off ; in 1773-4, e. g., its expenditure was £ 347000 as against a revenue of £ 109000, although it had an army of only 6400 men as against Madras—20,000, and Bengal 27000 (Burgess).

6 " A great part of these gifts, going to minor servants for procuring minor promotions, have never been traced. "—Lecky, ch. 12.

frequent with the result that the country was unsettled and the military and other expenditure exceeded the revenues, (4) the plunder and oppression of the people were alarming to contemplate, (5) the servants of the Company were devoid of all sense of subordination, discipline, or public spirit, and pursued their own selfish interests and private quarrels in such a manner as often to risk the total loss of the Company's possessions in India, (6) the three Presidencies went each their own way without any unity of aim or policy or mutual co-operation, and in England itself (7) the proprietorship of the shares changed hands frequently, without any genuine sale or purchase, merely to influence the voting, and (8) the board of directors, too, were a changing miscellaneous body inherently incapable of any steady influence or continuity of policy.

As a consequence two Acts were passed. The first granted the Company a loan of £ 1,400,000 at 4 %, dropped the annual tribute until this loan was repaid, restricted the Company's dividends, and obliged them to regularly submit their half-yearly accounts to the Treasury. The second is the well-known Regulating Act, which came into force in England from the 1st October 1773 and in India from the 20th October 1774, the three new councillors named in and appointed by the Act not reaching Calcutta till the preceding afternoon. [7]

The most successful of its provisions were those which related to the organisation of the Company in England. The Act raised the qualification for a vote at the meetings of proprietors or share-holders from £ 500 to £ 1000, and provided that in future each director was to hold office for four years, only six of the number retiring at the end of each year. These changes increased the authority of the Court of Directors, made them less dependent upon the proprietors, and more amenable to the

7 Auber, I p. 446.

influence of the Ministers. These latter were also to be furnished with copies of all important communications from India, so that they could keep continuously in touch with Indian affairs, if only they chose to do so. Thus was taken the first step, a tentative one, from which, as we shall see, the ministry advanced within a few years to direct guidance of the policy of the Company.

The three presidencies in India were independent of one another. This Act made the presidency of Bengal supreme. The other two were not to make war or peace (except in a case of absolute urgency) without the previous sanction of Bengal or of the Board of Directors in England. They were to keep Bengal (as well as the Directors in England) regularly and fully informed, and to attend to and carry out the orders from Bengal as promptly and dutifully as those from England. And Bengal was given the power to suspend in case of need the President and council of any of these presidencies.

This unification of authority in India was a great step in advance, and it did not come a moment too soon, although its full effects could only be realized as communications by land between the three presidencies came to be developed. It so happened, moreover, that the new order had to be given effect to in the midst of a war (the first Maratha War), as to which the Bombay Presidency were fully determined to listen to no opinion adverse to their own; and historians of India have, as a rule, been so taken up by the varying incidents of this war, and by the conflict of views about it between Bombay, and Hastings' councillors, and Hastings, and the Directors in England, that they have failed to appreciate the fundamental importance and soundness of these common-sense provisions.

The three presidencies in India had hitherto been ruled by a Governor or President, assisted by a Council (of all the senior servants of the Company) who rarely numbered less than twelve or more than sixteen. But

most of these were often absent from the capital, being also chiefs of the principal factories in the various cities of the province. All questions were decided by the president and council jointly, and by a majority of the votes of those present. As the affairs of the Company in each presidency increased in importance and complexity this system appeared more and more defective and unsatisfactory.

For Bengal the Regulating Act substituted for it a Governor General and four Councillors, armed with supreme authority in India, to decide all affairs by a majority. The Governor General was only given one vote out of five, and a casting vote only in case of a tie, but this could not occur unless one of the four councillors was absent or there was a vacancy in the council. All five were to hold office for five years, and none of them could be removed in the meanwhile, except by the King on a representation from the Court of Directors. The Act appointed the first Governor General and Councillors by name: two of these, Hastings, appointed the Governor General, and Barwell, appointed Councillor, were then in India, and had risen to the highest posts in the Company's service from the bottom, but the other three had no Indian experience whatever.

These three, however, came to India full of prejudices against the Company and its servants, and resolved to act together and to concentrate the whole power of the Company in India into their own hands. They also conducted themselves in a reckless and unscrupulous manner in order to achieve this object. Thus until one of them, Clavering, died, in November 1776, they created a lot of muddle and mischief, which Hastings and Barwell were impotent to check or remedy.

The salary of the Governor General was to be 25,000 *l.*, and that of a member of his council 10,000 *l.* a year.[8] No servant of the King or of the Company was to receive any

8 Clavering received another 6000 *l.* as Commander in Chief. The Chief Justice was to receive 8000 *l.* and each of the other judges, 6000 *l.*

presents, and all private trade was forbidden to the Governor General, the members of his Council, and the judges of the supreme Court to be presently mentioned.

Far more radical than any of the above changes, was the power which the Act conferred upon the Crown to charter a Supreme Court of Judicature at Calcutta, consisting of a Chief Justice and three other Judges to be appointed by the Crown, and with full power to exercise all civil, criminal, admiralty, and ecclesiastical jurisdiction. This court was given jurisdiction over all British subjects and all servants whether of the Company or of British subjects, in the Company's territories. The Governor General and the Councillors were also subjected to the jurisdiction of this Court for treason or for felony but for these offences only. And the Court was also given jurisdiction in cases arising out of contracts between British subjects and natives of India, if the latter had agreed in the contract to accept such jurisdiction.

Now, since 1726, Mayor's Courts had existed at the presidency towns, and the president in council had entertained appeals from these and had also exercised criminal jurisdiction[9]. Final appeals went up from both to the Privy Council in England. In Bengal, moreover, *diwani* (civil) and *faujdari* (criminal) courts had been established in each district and the superior Sadr Diwani Adalat and

9. The president and five of the senior members of council, as justices of peace were empowered to hold petty and quarter sessions for the trial of criminal offences. The Company had also established *zamindari* courts wherever they had acquired *zamindari* rights. And when they decided to " stand forth as *diwan* " and deprived the Nawab and his Naib of their nizamat jurisdiction also, Hastings established the *adalats*. See next footnote.

Sadr Nizamat Adalat at the capital.[10] What was to be the relation of these courts and their jurisdiction to this new creation?

Lastly, the Governor General in Council was empowered to make rules, ordinances and regulations for the better government of the Company's territories, which were to be registered and approved by the Supreme Court; and if so approved, they were to go into effect at once. But power was reserved to the King in Council, who, on appeal, could disapprove any of them within two years.

These parts of the Regulating Act have been justly censured for their vagueness. What law was the Supreme Court to administer? As between the Governor General in Council and the Supreme Court what were the limits of the powers and jurisdiction of each? And what about the civil and criminal courts mentioned above? The Regulating Act was silent on these and similar matters of grave importance. And Hastings and the first Chief Justice Sir Elijah Impey had to evolve such practical compromises as were possible, until decisions of the Privy Council and further

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10 These District and *Sadr* courts were the creation of Hastings In the civil district courts the Collector presided and was assisted by the *diwan* or native revenue officer for the district. In the criminal district courts the collector was assisted by the *kazi* and *mufti* of the district; two *moulavies* also attended, The appellate court for civil cases at the capital was presided over by the President himself; and he was helped by two of the members of council, the *diwan* of the *khalsa* lands, the head *kanungoes*, and other *kacheri* officers. The appellate court for criminal cases at the capital was presided over by the Daroga Adalat (the deputy of the Nazim) and he was helped by the chief *kazi*, the chief *mufti*, and three *moulavies*. Hastings had thus continued "with scrupulons exactness the constitutional forms of judicature" to which the people had been accustomed. The *mufti* was the expounder of the law; but the *kazi* and the *moulavies* were also learned in the law, and if they disagreed with the *mufti's fatwa*, the matter went to the court of appeal, and if necessary, even the whole body of the learned in the law might be consulted.—Auber I pp. 425-8.

legislation[11] by parliament gradually created a more satisfactory system.

Mukarji I pp 20-28, the text.

Ilbert pp 38-44.

Roberts ch. 16.

Lecky in ch. 12 the *Affairs of the E. I. Co*:—shows that although the Regulating Act passed by large majorities, there were important sections of opinion which viewed even such a 'half-measure', and indeed the entire proceedings of the Ministry with reference to the Company from 1766, as a high-handed invasion of its rights and property as a Chartered Company.

Firminger ch 13, a learned and discriminating defence of the Act.

§ *10 Pitt's India Act.* The elder Pitt had rejected Clive's suggestion that the lower Provinces be annexed to England, mainly because he thought that such a step must increase enormously the influence of the Crown in the English constitution, and this influence the Whigs of the day held even apart from any increase to be so large as to be a danger to the liberties of the country. But this influence had been considerably reduced by the course of events which ended in the failure of England in the war against the revolted colonies and in the resignation of Lord North; and the second Rockingham Ministry, which came into power in spite of the King, reduced it still further by several great measures securing the purity of elections and the independence of parliament. Then followed the Coalition, in spite of the greatest possible efforts on the part of the King to entrust the helm to some other combination of parliamentarians. The Company's affairs, meanwhile, had shown no improvement. Madras and Bombay had been on the brink of destruction and had been reduced to a pitiful condition by wars which it was difficult to believe were either unavoidable or properly conducted; and in Bengal the Regulating Act itself had

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11. The Amendug Act of 1781 removed a few of the most glaring of these defects and difficulties but a really satisfactory system was not established till after 1833.

created grave problems and difficulties. After the peace of Paris was signed and a strong administration came into office, the subject of a better regulation of the affairs of the Company could no longer be postponed. Fox's bill, however, had the unpardonable defect of going too far. It proposed to set aside the Company, its directors and its proprietors altogether, and hand over all their powers for four years to two new bodies, one of seven men and the other of nine, named in the Act, none of the first removable except by the Crown on an address from either house of parliament, none of the second removable except in the same way or by the concurrence of five out of the first body. Such a measure naturally excited intense opposition. It was iniquitous both as a wholesale confiscation of the Company's chartered rights, and as a shameless manœuvre on the part of the ministry to prolong their own lease of power by grasping and controlling for their own ends in that lax and corrupt age, the entire wealth and influence of the Company. Both the objections were doubtless considerably exaggerated in the heated debates which followed, but they were sound in the main, and it was the second that appealed particularly to people at large. If corrupt influence wielded by the Crown for defending and strengthening its prerogatives was a danger to be guarded against and attacked by all constitutional means, how much more dangerous and how utterly indefensible would be an influence, far greater than George III ever had, in the hands of a knot of politicians, whose past record was there to show how corrupt and unscrupulous they themselves were! But public opinion in those days was slow to move, and parliament, too, did not respond to it easily. The Commons passed the measure by majorities of two to one. In the Lords, however, the King used his personal influence for all it was worth, and obtained 95 votes against 76 to put an end both to the bill, which he so feared, and to its authors, the Coalition Ministry, whom he so hated. After months of stormy debates, memorable chiefly for the mistakes of

of conceited veterans on the one hand and the consummate skill of young Pitt on the other to profit by them to the full, parliament was dissolved, and at the new elections the country gave him an overwhelming majority.

This episode is of more than historical interest. It illustrates for all time, and in a dramatic fashion, how fundamentally the logic of what may be called practical politics differs from the abstract logic of the Schools. The scholar in his library might not have thought much of the objections urged against Fox's Bill. The question is further complicated by the fact that no measure of this magnitude can spring from only one set of motives as its sole inspiration.[1] But it encountered passionate opposition from several quarters. The East India Company and the other chartered companies cried out that their sacred property rights were being assailed. The King and the Tories denounced it as a characteristically Whig fraud to claim the highest patriotism and philanthropy as if these noble virtues were their exclusive property, and to help themselves the while to money, patronage and power to the exclusion of the other rightful partners under the constitution. And both Fox and North had created many personal enemies[2] by their careers, while their unexpected and

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1. Fox wrote,—" If I had considered nothing but keeping my power, it was the safest way to leave things as they were, or to propose some trifling alteration, and I am not at all ignorant of the political danger which I run by this bold measure; but whether I succeed or no, I shall always be glad that I attempted, because I know I have done no more than I was bound to do, in risking my power and that of my friends when the happiness of so many millicns "— i. e. Indians—"is at stake." Quoted in Lecky, ch. 15. See also for the whole episode *Hunt* pp 244-254.

2. English politics in the Georgian age was still to a very great extent a matter of personal ties. Personal loyalty was the one nnivars ally and instinctively recognised bond of political co-operation; disloyal ty, infidelity, ingratitude, the grossest of political sins. That Fox and North should join together to seize power was an offence that stank in the nostrils of their contemporaries. This worst and most infamous 'deal' in an age of deals proved the last, just because it so shocked the conscience of the time. Young Pitt in routing this old gang also annexed to himself the entire credit of being the creator of a purer type of politician, the generator of a higher level of public duty. And this is how contemporary political reputations are made or are blasted, more or less in every age and clime:—a lesson, this too, which the young student ambitious to cultivate independence of judgment ought to learn from such classical examples at a pretty early stage in the course of his own career.

unscrupulous coalition only added to their numbers and their virulence. The Bill failed not because of its inherent merits or defects, nor because the motives of its authors were altogether base, but because of a combination of all these hostile elements. And its failure entailed a further consequence, no less inevitable. In practical politics urgent matters cannot wait until a solution perfect from every point of view and universally acceptable is ripened The East India Company were saved from Fox's bill, but only to find that they had to proclaim their willing acceptance [3] of whatever regulations the enemy of their enemy chose to impose upon them. Thus the question how far the State was justified in interfering with the Company in the exercise of their power over territories they had won, was decided not by logic, or the philosophy of jurisprudence, or by the forced interpretation of vague, hoary and inapplicable texts, customs or precedents,—but by the Company themselves surrendering at discretion. The State, on the other hand, willingly waived for the moment all interference in their trade or in the appointment of their servants, and showed a truer appreciation of their financial position than hitherto by dropping all reference to a tribute. This is the more remarkable as the claim of England to the Company's territories is now for the first time unequivocally asserted. They are called "the British possessions in India" in the title of the Act, and "the territorial possessions of this Kingdom in the East Indies" in the preamble, and the same style is adhered to throughout. On account of the acute and prolonged differences between Hastings and his Council the number

3. "And though on a former occasion he had been derided, when he comforted himself with the idea that in every departure he should propose from the charter, he should have the consent and concurrence of the Company, he still continued to find great consolation in the reflection that he did no violence to the Company; for no violence could be said to be done by regulations, to every one of which the Company most cheerfully consented. "—Pitt's speech. See Auber II pp 1-9 for an interesting summary of the first draft of his Bill, with the remarks of the Directors upon it.

of the Governor General's council is reduced by one. Madras and Bombay are also given the same form of Government by a Governor and Council. The attempt to appoint councillors direct from England is given up. All appointments except those of Governors-General, Governors and Commanders-in-Chief are to be made from the Company's servants, and all, including these highest also, are to be made by the Company. The King only reserves under the Act, a concurrent power of recalling or removing any servant of the Company or of declaring any appointment void or any office or place vacant. The demanding or receiving by a servant of the Company (or by a servant of the King in India) of any gift or present, whether for his own use or for the use of the Company or of any other person,[4] is declared to be extortion and is to be proceeded against and punished as such. The power of the Governor General and Council to " superintend, control and direct " the other presidencies, and the duty of the other presidencies to obey the orders from Fort William are defined more clearly. In particular, no Governor is to make war or peace or negotiate any treaty without express orders from England or from Calcutta—except in cases of sudden emergency or imminent danger, when it would imperil safety to postpone action ; and every treaty entered into by him is " to contain a clause for subjecting the same to the ratification or rejection of the Governor General and Council." And this supreme organ of government in India is also to exercise similar self-control; in these matters of high policy, unless forced to act on his own responsibility by sudden emergency or imminent danger, he is to do nothing without express orders from England; for, says the Act, " to pursue schemes of conquest and extension of dominion in India, are measures repugnant to the wish, the honour and policy of the nation."

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4. Hastings received presents " for the use of the Company, " Clive in his second administration, " for the use of other persons. "

All these changes are well-judged improvements in details. Pitt's cardinal innovation is a revolution in the character and constitution of the supreme authority in England. He kept unaltered with scrupulous care the outward form and appearance of this authority. All orders and despatches issued as before from and in the name of the Directors. But in matters relating to the revenues, the civil and military administration, and the foreign and diplomatic relations of the Company with Indian States, Pitt's Act handed over the supreme authority to a new body which came to be known as the Board of Control. It was an annexe of the Ministry, changing in personnel as the ministry changed, and was to consist of the Chancellor of the Exchequer, a Secretary of State and four privy councillors. The Secretary of State, or the Chancellor of the Exchequer, or the senior of the other 'Commissioners for the affairs of India,' with two of the others were to exercise the entire powers of the Board. By earlier enactments the Directors had already to communicate to the ministers both all the correspondence and proceedings bearing on the above topics which they received from India, and the orders, instructions and despatches which they themselves sent out to India[6]. These were now to be communicated to this new Board. And if the Board wanted alterations made in the orders or communications to India, which the Court did not approve of, they were to take the grounds of objection into consideration, but finally the decision of the Board was to prevail. The Board could also of their

5. Subsequently modified to-any two of the principal Secretaries of State, the Chancellor of the Exchequer and two Privy Councillors. The 'Commissioner named first in the letters patent' was the senior 'Commissioner' and he as president practically wielded the whole power of the Board. And by the Charter Act of 1793 instead of two privy councillors, any two persons could be appointed upon the Board. Salaries were also granted: to the three Commissioners 5000 l. a year to their office establishment, 11000 *l.*

6. This latter obligation was imposed upon the Directors by the Charter Act of 1781.

own initiative frame any communications which the Directors were to forward as their own. And finally there was to be a secret committee of three Directors, and all matters of high policy, such as war and peace and the relations with Indian States, were to be similarly dealt with by the Board and this secret committee only; all secret communications from India were to go before these only, and the other Directors were not even to know anything about it.

The Board of Control was very lucky in the moment of its inauguration. If weak ministries with a short lease of power had continued in England at this juncture, the policy of the Board would also have shown weakness and vacillation. It so happened, however, that Pitt turned out to be one of the strongest prime ministers known to English history, remaining in power for an unusually long period. The Board of Control had thus every thing in its favour and began to exercise its full powers from the first. Chesney's view, therefore, does not appear to be sound that the Act made only a "nominal" change, and that "the amount of power which the Court of Directors continued to exercise was sufficient to justify in great measure the popular opinion, which always continued to identify them with the Home Government of India."[7] Mill's view is clearly the more correct, that of "bodies, when one has the right of unlimited command, and the other is constrained to unlimited obedience, the latter has no power whatsoever, but just as much, or as little, as the former is pleased to allow."[8] Moreover, it was no part of the business of the Board to interfere in the details of the administration, and it was an essential element in Pitt's scheme that the position and prestige of the Court of Directors should continue just the same as before to all outward appearance.

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7. *Indian Polity*, pp. 42–3.
8. Book V. ch. 9

One word more. The rapid extension of the Company's territories in India after 1784, and the ease with which it sprang into the position of the paramount power, were no doubt due to some extent to the personal character of governors-general like Wellesley[9], and to the subordinates whom such governors-general trained up in their own ideas and left behind. And the chaotic condition of India after the downfall of the Mogul Empire is without doubt the principal explanation of all that subsequently happened. Still, in so far as suitable political machinery for direction and control has influence over the course of events, Pitt deserves no little credit for evolving the Board of Control out of the seed originally planted by the Regulating Act. The rhetorical descriptions of Macaulay and other historians asking us to observe with wonder the extraordinary spectacle of a merely trading company winning an empire more extensive than any known to history and with such marvellous speed, do not take sufficient account of the secrecy, the unity and the efficiency of this small central supreme body that Pitt created for the guidance and control of the East India Company.

Mukharji I pp 28–58, the text, and extracts from Pitt's speech at the first reading.

Ilbert pp. 59–66.

Lecky in ch 15 *Coalition Ministry.*

§ *11 To the end of the Century.* For a real improvement in the Company's administration of India, statesmen and soldiers and a better qualified class of public servants drawn from a higher social stratum and animated by higher aims were at least as essential as improvements in

9. Wellesly, too, would have been stopped and recalled somewhere in the middle of his career if he had been in fact, as in outward form, merely a servant of the Directors. But the Court was not sure that the Board would permit his recall, and it was the support of the latter which maintained him against the growing opposition of the Court.

the constitutional and administrative machinery. English public men who had been looking more or less closely into the matter in connection with parliamentary debates and select and secret committees recognised this need also, and England soon began to send out some of her best sons to India in various capacities. Thus began a long roll of worthy empire builders, administrators, missionaries, scholars, lawyers, educationalists, industrialists, engineers and medical men, who in various positions and separated from one another in far distant stations, willingly devoted themselves to years of patient toil and high endeavour in our tropical country, and to whom we owe not a little of the astonishing transformation that has been brought about in the short space of less than a hundred and fifty years in this vast and ancient land of deep-seated wounds difficult to probe, and elemental agonies hard to heal. One of the first of this new type to be chosen for England's civilising mission in India was Lord Cornwallis. It was Henry Dundas who remarked in naming him to parliament "as the fittest person in the world for the Government of India:—' Here there was no broken fortune to be mended! Here was no avarice to be gratified! Here was no beggarly mushroom kindred to be provided for! No crew of hungry followers gaping to be gorged[1] !'" This was in 1783. Three years later the offer was actually made and Cornwallis asked for power to act on his judgment even though the whole of his Council were of a different opinion.[2] And this discretionary power was conceded to him for special cases by an amending Act. This autoctratic power was afterwards given to all Governors-General and Governors by the Charter Act of

1. *Mill.* V ch. 9.

2. In a Council of 4, one of them the Governor General having also the casting vote, with one Councillor supporting him the Governor General with his two votes has a majority of votes on his side. Thus the need for the exceptional power mentioned above arises only when all three Councillors differ from him.

1793 and limited by that enactment in two ways: it was available only for such exceptional " cases of high importance as essentially affected the public interest and welfare, " and under it the head of the Presidency could only take such action as was within the legal powers of his Government.

The last Charter Act (1781) had extended the term of the Company's privileges to three years' notice after March 1, 1791. As these privileges really meant nothing more after Pitt's Act than the Company's trade monopoly, there was little opposition to the Charter Act of 1793 mentioned above, which continued them for another term of twenty years. The constitutional administrative and financial provisions of the Act merely consolidated the existing law and practice with a few minor alterations such as the one specified above. Finally, an Act of 1797 reduced from three to two the number of puisne judges of the Supreme Court at Calcutta.

Mukharji. I pp 58-78, the text of the Charter Act of 1793.

CHAPTER III

THE EAST INDIA COMPANY TO THE TRANSFER TO THE CROWN.

§ *12 The Charter Act of 1813.* The first thorough investigation by the legislature into the position and affairs of the East India Company appears to have been the one held under the Commonwealth Government. The inquiries preceding the Act of Union, the Regulating Act and Fox's Bill have also been mentioned. These took the form of select and secret committees of parliament which published voluminous reports full of carefully tested and valuable information. The impeachment of Hastings-10th

May 1787 to 23 rd April 1795—added to this pile. [1] Wellesley's extensive conquests won by armies operating simultaneously in several theatres of war raised the Company at one bound into the lofty position of the paramount power in India, but at the same time accumulated a debt almost too heavy to bear, and the Campany had again to approach parliament for relief. A committee was thereupon appointed which again made a searching investigation into the Company's affairs, laboured at its task for five years, and submitted several reports. As the end of the term for which the last Charter had been granted approached, parliament also received many petitions from the merchants and manufacturers of a number of towns and ports praying for the abolition of the Company's monopoly of trade. On the one hand, the growing manufactures of England were in need of new markets. On the other hand, Napoleon's Berlin decrees closing European ports to English trade and shipping, compelled these powerful interests to seek other outlets, and India and the East Indies were a field, which-now that the sea-routes were rendered perfectly safe by the recent capture of the Cape of Good Hope, Macao and Goa, the Isles of France and Bourbon, Java and the Spice Islands,—the monopoly of the East India Company alone prevented them from turning to their own profit; a field, too, which the general ignorance of the time enabled them to paint in the brightest hues of hope, as certain to yield untold wealth the moment it was thrown open to their enterprise. [2] The doctrine of free trade, as

1. But this addition included, as was natural under the circumstances, "an immense quantity of rubbish and trash" (Thurlow, quoted in Rulers of India: Hastings, p. 209).

2. For instance, take this passage from the petition of Sheffield, abridged. "If the trade to the East Indies were thrown open, such new and abundant markets would be discovered and established as would enable them to defy every effort to injure them by that sworn enemy to prosperity and the peace of Europe, the present unprincipled ruler of France. If the trade of this United Kingdom were permitted to flow unimpeded over those extensive, luxuriant and opulent regions to the wealthy, enterprising, honourable, and indefatigable British merchant no obstacle would prove insurmountable, no prejudice invincible, no difficulty disheartening; wants, where he found them, he would supply; where they did not exist he would create them, by affording the means of gratification.-*Thornton*, IV 216.

presented by Adam Smith, was growing in popularity, and these petitioners as well as an increasing number in both houses of Parliament assailed the Company's privileges as injurious to the country and indefensible in principle if not altogether unnatural. In the course of the debate one of the leaders of the opposition did not fail to expose the hollowness of this plea.

"Their general principle was (he said) that England was to force all her manufactures upon Indian and not to take a single Indian manufacture in return. It was true, they would allow cotton to be brought; but they having found out that they could weave by means of machinery cheaper than the people of India, they would say, 'Leave off weaving; supply us with the raw material, and we will weave for you.' And these merchants and manufacturers called themselves the friends of India! If they professed themselves as enemies instead, what more could they do than advise the destruction of all Indian manufactures?[3]

But the ministers had a large majority and they were, quite willing to take the popular line in this matter, only providing such precautionary safeguards as the evidence of their experienced administrators, a number of whom were examined, showed to be indispensable. Lastly, men like Wilberforce in the House of Commons seriously and conscientiously thought that they would be guilty of a neglect of duty, unless they made an attempt to bring the benefits of education, civilisation and Christianity within the reach of the Indian population, whom they sincerely pitied as savages given over to dark heathen rites and practices. These various influences were reflected in the famous thirteen resolutions which Parliament adopted preliminary to legislation; and the principles so laid down were embodied in the Charter Act of 1813.

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3. *Thornton*, IV 241-2. Again in 1833 Sir Charles Forbes said in Parliament:—"As to trade with India, that was to be increased only by that House, Let ministers begin by reducing the duties upon the commodities of India. A small duty was imposed upon English manufactures; and a heavy one upon Indian commodities. Was that reciprocity? Was that free trade? *Id.* V 253.

The necessary relief to the Company's finances was provided by arrangements for a reduction of the debt, and by restraints in respect of dividends, salaries and pensions as also of the number of His Majesty's regiments to be employed in India.

The Company had tried to show that the expenses of administration were greater than their revenues, and that their only source of profit was the trade monopoly. Their accounts, however, were so confused that it was impossible to discover from them what profits were made, except from the trade in tea and the trade with China. And, moreover, these two elements in the Company's monopoly were discovered to stand on an exceptional footing altogether. Tea had become a necessary of life in Great Britain, the duties upon it yielded to the State a regular annual income of four millions sterling, and it was not at all desirable to attempt changes in the standing regulations about the trade of such an article, when England was straining every nerve in her desperate struggle against a mighty foe. The China trade, again, was still in such a condition that it could only be carried on profitably under a system of monopoly. China hated foreigners, allowed only a certain number of her subjects incorporated into a single body called the Hong to trade with them, and that too only at a single port, Canton. Besides as if not satisfied with these restrictions, the Chinese Government often placed an embargo for indefinite periods upon all shipments whatever. It required all the experience, tact and influence of the Company's factory at Canton to keep the trade open.[4] Free trade in these two matters was thus out of the question, and this Charter continued the Company's monopoly to that extent, but to that extent only. The trade with India was thrown open, but as it was strongly urged even about this that grave dangers and difficulties might result if Englishmen were

4. **Wilson.**

allowed to flock to India and visit any part altogether unrestrained, it was provided that Englishmen wishing to avail themselves of this freedom were to obtain a license from the Company.[5]

Pitt's Act had reserved to the Crown the power of recalling any servant of the Company. This was first exercised when Lord Grenville's ministry recalled Sir George Barlow in 1806. And it has been stated above that amongst the leaders in parliament and in the country there was a section who seriously held that over and above amendments in the constitution of the Company, it was no less vital to go on improving the entire class of servants in every grade who were sent out to India in increasing numbers as required by their annexations and the growth of their administrative system. In the course of the debate on the resolutions Lord Grenville, for instance, urged that all the civil and military appointments under the Company should be thrown open to competition, so that men educated in the public schools, sons of deceased officers, and other candidates from similar classes of society could be selected by merit.[6] Earlier still, Wellesley had attempted to introduce a similar improvement but in quite a different way, by starting a College at Calcutta where the young men sent out by the Directors could improve their education and acquire a proper training before being appointed to any responsible post. His scheme was too ambitious,[7] but it led eventually to small and practical institutions or other arrangements at Calcutta, Madras, and Bombay to enable young civil servants entering upon their careers to acquire a knowledge of oriental languages. And in England the Haileybury College was started in 1805 and the Addiscombe Military Seminary in 1809. The

5. During the next eighteen years no more than 1324 licenses were granted (*Roberts*, p. 278).

6. *Thornton*, IV 233.

7. *Owen* pp. xxxvi-xxxvii and 718-755.

Charter Act of 1813 provided that all such institutions were to be under the Board of Control and that no one was to be appointed a writer who had not studied for four terms at the Haileybury College to the satisfaction of the College authorities[8]. And the patronage of the Directors was also curtailed at the upper end: Governors-General, Governors, and Commanders-in-Chief were to be appointed by the Court, "subject to the approbation of His Majesty, to be signified in writing under his Royal sign-manual, countersigned by the President of the Board" of Control.

Even more serious was the departure involved in the creation of a church establishment of which the expenses were to be paid out of the Company's revenues, and in the permission granted to "persons going to and remaining in India to introduce amongst the natives useful knowledge and religious and moral improvement." This was the starting point in India of Christian missionary enterprise as licensed by the State, with its twin fruits of western education and Christian propaganda. The sections dealing with this subject emphatically affirm that the Company's policy of 'perfect freedom to the natives in the exercise of their religion be inviolably maintained.' Moreover, an annual grant of one lac of rupees was to be "applied to the revival and improvement of literature and the encouragement of the learned natives of India, and for the introduction and promotion of a knowledge of the sciences."

With these radical changes and innovations the Company was continued in the possession of its territories revenues and powers for another twenty years.

Wilson, (continuation of Mill), Bk. I ch. 8, and Appendix X which gives the 13 resolutions.

Ilbert, pp. 71-79.

8. Auber, *Analysis*, pp. 165-171.

§ 13 *The Charter Act, 1833.* Although the Act of 1793 consolidated all preceding legislation, the feeling was still there and persisted in some minds at least even upto 1813,[1] that the measures England was adopting on the subject of India were all more or less tentative and temporary experiments. By 1833, however, all such lingering doubts had completely disappeared, and the leading statesmen, Whig as well as Tory, were prepared to fashion out of the existing arrangements a suitable instrument for the Government of the people of India in their own interests. The Company were also quite willing to fall in with the ideas of Parliament in this respect, but pointed out in the defence of their property, rights and privileges that their territorial revenues had generally proved insufficient, and they had been obliged to make good the deficit out of their commercial profits, which had all been devoted, beyond a regular dividend on their capital to the general purposes of the administration.[2] The difficulties of the China trade, they also pointed out, continued just the same as they had been in 1813. But English public opinion in favour of free trade had grown so strong during the interval that these arguments had no effect.[3] The Company's plea that the administration of India could not be carried on without a contribution from outside, either in the form of their com-

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1. E. g. Lord Grenville—see summary of his speech, *Thornton*, IV 231.

2. Lord Ellenborough thought that this had amounted to as large a sum, on an average, as the sum disbursed as dividends, i. e. £ 630,000 per year for 16 years. Another estimate, that of a professional accountant, put it higher by about £ 100,000. *Thornton*, V 257, 282-5; and *Wilson* III 483.

3. Thus one consequence of the Charter Act, 1833, was:—the Company's factory at Canton was replaced by an English Superintendent, English traders sold opium in ever increasing quantities to China, the Chinese laws prohibiting the import of opium were strengthened, and there followed the Opium War, which resulted in England acquiring Hong Kong, and China being forced to throw open five ports to foreign trade.

mercial profits or in some other form, was brushed aside. A territory, so extensive and so richly endowed, it was universally felt, ought to be able, by suitable economy and managment, to yield a revenue sufficient for its own needs.[4] The Company were thus driven to limit their demands to an adequate guarantee for their own capital and interest. And this was granted. It was provided that a dividend at ten and a half *per cent.* was to be a first charge on the revenues of India, and that whenever, at some future date, it was decided to extinguish the Company as a corporate body, a sum of £ 12,000,000 [5] was to be paid to the proprietors.

From the date of the first administration of Lord Cornwallis the Company had made fair progress in the performance of their duties towards the people of India as their rulers. Mistakes had been made, there were still defects some of them grave,—the police were indescribably corrupt and oppressive, the decisions of the law courts depended mostly upon the vagaries and idiosyncracies of the individual judge,—but the country had settled down, agriculture was spreading, population was increasing, trade was reviving, beneficial public works were being undertaken, efforts were being organised for the extirpation of evils like *thaggi* (1830), and signs of a new renascence being near at hand—signs like the Hindu College (1816) and the *Samachar Darpan* (1821) were coming to light. Lord William Bentinck's record as a Governor General from 1828 was at this juncture of incalculable benefit to the reputation of the Company. Peel remarked that "their administration redounded greatly to their honour, and contrasted favourably with that of any other colonial establishment that had ever existed. " [6] Macaulay contrasted

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4. *Auber* II 684.

5. The Company's capital was £ 6 millions; but they had been paying 10½ % dividends for many years; so this rate was continued; and the price for buying the Company off was fixed in view of the high market value of the Company's stock.

6. *Thornton* V 258.

"the doubtful splendour which surrounded the memory of Hastings and of Clive, with the spotless glory of Elphinstone and Munro." He admitted that "if the question were what was the best mode of securing good government in Europe, the merest smatterer in politics would answer, representative institutions." But he reminded parliament that even an extreme advocate of that form of polity like James Mill, who was besides a thoroughly competent witness in Indian matters, "when asked before the committee whether he thought representative government practicable in India," was obliged to reply that it was "utterly out of the question." It followed that to dispossess the Company would be to leave all the powers and patronage of a despotic government over a territory more extensive than Western Europe with a population of ten crores, a standing army of two lacs and an annual revenue of £ 22,000,000, in the hands of the Board of Control or some other Board of Commissioners, who would be the creatures of the ministers of England. It was perfectly true that the ministers were responsible to parliament. But " a broken head in Cold Bath Fields produced a greater sensation among us than three pitched battles in India..... Even when my right honourable friend the President of the Board of Control gave his able and interesting explanation of the plan which he intended to propose for the government of a hundred million of human beings, the attendance was not so large as I have often seen it on a turnpike bill or a railroad bill." A check was required upon the authority of the Crown over India, and parliament "could not be that efficient check....What we wanted was a body independent of the Government, and no more than independent; not a tool of the Treasury, not a tool of the opposition. No new plan which had been proposed would give us such a body. The Company, strange as its constitution might be, was such a body. It was as a corporation neither Whig nor Tory, neither high-church nor low-church." Even when the country had passed through a period of unprecedented and stormy agitation, the Com-

pany had held on its course unruffled, acting "with a view not to English politics but to Indian politics, and preserving strict and unexpected neutrality."[7]

The Board, the Court, and the Governor General were thus continued for a fresh term of twenty years as the supreme Government for India. The last was now to be styled the Governor General of India and he was given full power and authority to superintend direct and control the presidency Governments in all points relating to the civil and military administration. The presidencies were to transmit regularly to Calcutta copies of all their orders and proceedings and communicate timely intelligence of all transactions of any importance. Thus even as to the matters which the Governor General left to the local Governments, the latter were always to furnish him with evidence sufficient for him to judge about their conduct, and to check and correct them promptly whenever necessary. The local Governments were to continue to correspond with the Court of Directors as before, but the supreme Government was to receive copies of these letters also and to forward its own remarks upon them to the Court. Questions of peace and war were to be decided upon by the supreme Government alone; and even the diplomatic relations with the native States and the conduct of particular negotiations were to be concentrated in the hands of the Governor General as far as possible.[8]

The relations between the Governor General and his Council were more clearly defined. The power of the Governor General to act at his discretion against the view of the majority of his Council was continued, but it was

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7. *Macaulay,* Misc. Writings and Speeches (Popular Ed. 551-572.

8. This could only have been carried out fully if the Bombay, Madras and Bengal armies had all been amalgamated into one; but that reform was not thought of till long after the Mutiny; it was not practicable either, until the main trunk lines of the Indian Railway System had been built.

enacted that he was to exercise it only when he thought that the safety tranquillity or interests of the British possessions in India were essentially affected, and in every such case both the Governor General and the members of Council were directed to exchange in writing, under their respective hands, to be recorded at large on their secret consultations, the grounds and reasons of their respective opinions. The court of Directors pointed out, however, in their covering despatch that the exercise of this ultimate power was to be resorted to in extreme cases only, and as the only refuge from the possible evil of distracted counsels and infirm resolutions. For dealing with the ordinary business of the Governor General in Council the presence, besides the Governor General, of more than one member of Council was not required, and both for such ordinary business and for the legislative business to be mentioned presently, the Court were to frame rules of procedure which were to be approved by the Board of Control, and then to be laid before both houses of parliament, and such rules of procedure were to have the same force as if they had been enacted by parliament.

As the Court of Directors ceased, under the Act, to have any further commercial business to transact, the Board of Control were given full power and authority to control and direct all their acts: the entire property of the Company was also to be treated as held in trust for the Government of India. The patronage or right of appointment to various offices which under previous enactments the Court of Directors had possessed independently of the Board, was continued to them unabated, but they were, with the approval of the Board, free to delegate it to the Governments in India and through them to heads of departments, commanding officers, and similar responsible persons. Lord Cornwallis had excluded Indians from employment under the Company as far as possible, except in the meanest posts. And he had done so for two reasons. In the first place he wanted to raise the level of the

services in integrity, capacity, and sense of public **duty.** And in the second place he wanted the young Englishmen he appointed really to learn their work and to do it themselves; for Warren Hastings's experiment of duplicate appointments, an experienced Indian without any power along with an ignorant Englishman with all the power attached to the post, although intended to achieve the same result, had in many cases failed altogether: the indolent Englishman had remained ignorant, and the unscrupulous Indian had felt perfectly safe under his powerful protection, and had fleeced and oppressed the people all the more. Nay, there was worse than indolence to be guarded against; in spite of the covenants, and although the emoluments of the service had been considerably increased, Lord Cornwallis on reaching India must have found many of the civilians using their Indian colleagues and subordinates as "tools and ready made instruments of extortion"[9] for the purpose of filling their own pockets. How could it be otherwise, indeed, when Clive and Hastings had themselves behaved in ways not very dissimilar, and when many prominent Directors and proprietors were themselves more or less directly interested in the gains piled up by hook or by crook by their nominees in India?

Lord Cornwallis cut the pestilential weed of a corrupt tradition and cleared the ground. Wellesley and his circle sowed the seeds of worthy aims, high ambitions and noble ideals. The parasitic filaments of jobbery extending across the seas from Leadenhall Street, Cannon Row, Windsor Castle, and Westminster shrivelled up at the source. Decades passed, decades crowded with the careers of exemplary civilians. And by 1828 a pure and high-minded civil service had become an established institution in the Government of India. It was, however, an extremely costly institution.[10] And a progressive

9. *Kaye*, p. 420; see also *Roberts*, 222-227; *Cornwallis* 74-84; etc.

10. "Even after the change [Bentinck's retrenchments], the average income of a civilian ranging from member of Council to writer (the lowest grade), was still as high as £ 2000 a year. *Roberts*, p. 302.

administration necessarily means a more or less continuous increase in the number of posts. Bentinck, therefore, decided to give up Cornwallis' policy of exclusion as no longer necessary or practicable, and began to appoint qualified Indians to grades higher than had been hitherto open to them. On this departure from past practice the Charter Act set the seal of its approval by the well-known clause—

"No native of the said territories, nor any natural born subject of His Majesty resident therein, shall, by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any place, office, or employment under the Company."

In their covering despatch the Directors lay as much stress upon the employment by the Government of "natural born subjects of His Majesty resident in" India, as upon that of Indians. The trade monopoly and the prohibition against Englishmen about going to India without a license[11] or about acquiring landed property being at an end, it was anticipated that they would go to India and settle there in increasing numbers, and that amongst them Government might find persons seeking Government posts who might be better qualified than the Indian candidates. Hence arose, the despatch observed, "a powerful argument for the promotion of every design tending to the improvement of the natives, whether by conferring on them the advantages of education, or by diffusing among them the treasures of science, knowledge, and moral culture." And the despatch said, in more general terms, "that the object of this important enactment is not to ascertain qualification, but to remove disqualification. Its meaning we take to be that there shall be no governing caste in

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11. For proceeding into the more recently acquired and less settled parts of British India, the foreigner still needed a license from the Government of India, but such parts were also to be thrown open from time to time.

British India. Fitness, wholly irrespective of the distinction of races, is henceforth to be the criterion of eligibility. To this altered rule it will be necessary that you should, both in your acts and your language, conform; practically, perhaps, no very marked difference of results will be occasioned."

Another step forward in the civilising mission of England in India was taken by this Act in the duty it laid upon the Governor General in Council to legislate for the purpose of ameliorating the condition of slaves and of abolishing the status of slavery throughout British India as soon as possible, but by such practical measures as offered no undue violence to the customs and sentiments of the people. The Indian Slavery Act (Act V of 1843) and later measures were the result of this injunction.

The presidency of Bengal had become too large for efficient administration from one centre. It was also obvious that the Governor General of India and his Council had to be relieved of the direct responsibility for any one presidency if they were properly to discharge their duties towards British India as a whole. The Act provided for the appointment of a Deputy Governor for Bengal and for the creation of a new presidency of Agra, under a Governor or a Governor in Council. But these provisions were not acted upon and the matter was dealt with again by subsequent legislation.

Lastly, the Board of Control and the Ministry were fully alive to the highly unsatisfactory if not chaotic condition of the law and the law-courts in the Company's territories. First, there were several distinct bodies of statute law in force. The Charter of George I had applied to British India the whole body of English statute law; all subsequent Acts of Parliament also applied in so far as expressly extended to any part of India.[12] The Governor

12. There was room for difference of opinion here, sometimes involving grave issues. For instance, was the Supreme Court justified in applying the English statute on forgery (1728) in Nandkumar's case? See *Ilbert* pp 32-3, and 353.

General in Council had been issuing a set of Regulations from 1793 which were applicable to Bengal, and the other Presidencies had issued similar Regulations for their own territories, Madras from 1802, Bombay from 1827. A uniform codification, preserving only such local peculiarities as were found necessary on careful consideration, was desirable. Secondly, the various law-courts and their jurisdictions needed reform. The *zamindari* and *adalat* courts mentioned above were merely a heritage of Mogul India, and as the country settled down a civilised administration was bound to provide better law, more qualified judges, a systematic procedure. The Supreme Court had taken the place of the Mayor's and the sessions courts at Calcutta, and similar Supreme Courts had been established at Madras (1801) and at Bombay (1824) for these presidencies, but what was wanted was a properly graded system of courts covering British India and administering the same laws on a uniform system. Thirdly, the Hindus, the Muhammadans and smaller sections of the population had their own laws and customs governing important spheres of life, and the legislature had ordered the courts to respect these and protect the rights of defendants in accordance with their own laws and customs. There were law books and commentaries and collections of customs [13] and the opinions expressed by the *Kazis* and *Pundits* of the courts. But in spite of these and to some extent, perhaps, also because of these, the first generation of the Company's judges and law officers found it very difficult indeed to ascertain what precisely was the law on the particular point they had to decide. "The consequence was," as Macaulay said, "that in practice the decisions of the tribunals were altogether arbitrary....And judge-made law, where there was an absolute Government and lax morality, where there was no bar nor any effective public opinion, was a curse and a scandal not to be endured."

13. For instance, Borrodaile's collection of the caste customs of Gujrat (1827), is a rich mine of information today for the student of social customs.

Better qualified lawyers and law officers and a uniform procedure are a product of time. Legislative fiat cannot create them in a day. But a better system of law-making and a properly graded system of courts, their jurisdictions covering the entire field without clashing with one another at any point, could be so constructed. Moreover, as India was now thrown open to Europeans it was anticipated that Englishmen would go and settle there in numbers, and it was necessary to protect them and their rights, as also Indians from their high-handedness, [14] "through the medium of laws carefully made and promptly and impartially administered" not only at the presidency towns but also in the interior.

The power of the presidencies to make Regulations was taken away; greater power, to legislate, was given to and concentrated in the hands of the Government of India. For this purpose the President of the Board of Control proposed in his original scheme a Legistative Council at the Government of India. This, however, was dropped, and the Act provided an additional member of Council whose function was to help the Council and vote at it only when it was legislating, and a Law Commission with this member of Council as its chairman. While the quorum for the Council's other business was fixed at the Governor General and one member, the quorum for the legislative business of the Council was fixed at the Governor General and three members. The Directors in their covering despatch laid stress upon the need for full inquiry, publication both in English and in the necessary vernaculars,

14. The covering despatch says "eagerness for some temporary advantages, the consciousness of power, the pride of a fancied superiority of race, the absence of any adequate check from public opinion, the absence also of the habitual check supplied by the stated and public recurrence of religious observances and other causes may occasionally lead" to unguarded acts; "much more may acts of outrage or insolence be expected from casual adventurers" and run-aways from Europe "released from the restraints which in this country the over-awing influence of society imposes on all men not totally abandoned."

and due deliberation in the framing and passage of all legislative measures. These laws were to have the same force and effect as parliamentary statutes. The supreme power of parliament to legislate for India also was reserved; and the Court (acting as usual under the control of the Board) were granted the power of disallowing any laws now to be made by the Government of India or any parts of them at discretion. Of course, the Government of India were told expressly that in the new capacity thus conferred upon them they were only a subordinate legislature, and could not repeal any Act of Parliament or make any law going against any such Act, or touch any law-court established by the King, or indeed legislate at all on any of certain specified subjects. Still, this was the most important of the innovations introduced by this Charter Act, as not only making the right beginning towards providing a remedy for the evils and solution of the difficulties indicated above, but as also sowing the seed of the Legislative Councils of the future.

Mukharji I 84-112, the text and the covering despatch of the Court of Directors.

Ilbert pp. 81-89 and 353-362.

Macaulay's Speech in the House of Commons on the 10th July 1833.

Wilson Bk. III ch. 9.

§ *14. To the Mutiny.* An Act of 1835 gave power to separate the North-West Provinces from Bengal and place them under a Lieutenant-Governor. The Charter Act of 1853 gave power for the appointment of a Lieutenant-Governor for Bengal itself, unless and until a Governor was appointed for the presidency. It also authorised the creation of one more presidency, either under a Governor in Council, or under a Lieutenant-Governor. And in 1854 another Act enabled the Government of India to take any territories of the Company under their immediate authority and management and provide for their administration. Under this Act Chief Commissioners were

appointed for Oudh, Ajmer-Merwara, Assam, the Central Provinces, Burma, Berar, Baluchistan, Coorg and the Andamans; the Governor General in Council being relieved of the necessity for detailed supervision over the administration of these minor or outlying provinces also.

The Charter Act of 1853 also introduced several other changes, some of them of capital importance. The number of the Directors of the Company was reduced to eighteen, of whom six were to be nominated by the Ministry.[1] The law member was made a full member of the Governor-General's executive council, and all four Councillors, as well as the Councillors at the presidency Governments, were to be appointed under the Royal-sign manual. The Directors, supported by the Court of Proprietors, had themselves proposed in 1833 that the Haileybury College should be closed and that the necessary number of young men required for service in India should be selected annually by "a system of public examination sufficiently high to secure adequately qualified parties."[2] Their reasons were the great expense of the College and "the disadvantage which resulted from confining the associations of youth destined for foreign service to companions all having the like destination." The proposal was now adopted, and the first regulations for the Indian Civil Service examination were drawn up by a committee with Lord Macaulay as chairman in 1854. The Charter Act continued the existence and authority of the Company, not for another term of twenty years, but "only until Parliament shall otherwise provide."

The President of the Board of Control had proposed in 1833 that each of the presidencies should send a member to the council of the Governor General, one or two specially selected lawyers should be added to the Council

1. "This enabled the Government to appoint to the Court retired servants of the Company......and thus to leaven the directorate with first hand Indian experience."—*Roberts* p. 383.

2. Auber II pp. 703-4.

from England, and that this enlarged Council should legislate for British India as a whole.[3] This had been negatived because of the extra expense and reduced to the addition of a single law member, while the executive councils at the presidencies which he had proposed to abolish were allowed to continue, on the ground that the Governors coming fresh from England needed the advice of administrators who had long experience of India. In 1853, Charles Grant's original proposal was adopted with two improvements: the Chief Justice and another judge were also to be added along with a member appointed for the purpose by each of the four provinces, and the Governor-General's Council thus enlarged to twelve members was to be the Legislative Council for India; no law or regulation made by the Council was to have force or was to be promulgated until it had been assented to by the Governor General. The power of the Court to disallow a law even after it had been so assented to continued unaltered. The Legislative Council thus developed out of the single law member of 1833 was a purely official body; its meetings were to be open to the public and its proceedings were to be officially published.

Mukharji I 122-134.
Ilbert pp. 89-94.

§ *15 The end of the Company.* It has been stated above that the constitution of the Company was, so to speak, standardised in 1833. By 1853, however, new points of view had arisen. In the debate on the Charter Act of that year, John Bright, for instance, quoted with approval the criticisms of George Campbell, and J. W. Kaye, [1] and condemned the "double government" by the Board of Control and the Court of Directors as "a

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3. *Wilson* III pp, 528, 535.

1. George Compbell's Modern India, A Sketch of the system of Civil Government was published in 1852, J. W. Kaye's Administration of the East India Company, in 1853.

system of hocus-pocus," which "deluded public opinion, obscured responsibility and evaded parliamentary control." He thought that whereas there was no chance of the important subject—how India had best be governed?—receiving full and proper consideration in Parliament in 1784, because of "the fight of faction," nor in 1813 because it was "a time when the country was involved in desperate hostilities with France," nor in 1833, because the subject came up "immediately after the hurricane which carried the Reform Bill"; in 1850 there was no such complication or difficulty, and Parliament could and was therefore bound to deal with such a grave and solemn matter quietly calmly and with due deliberation, making all necessary inquiries, even if the decision was thereby delayed by a year or two. [2] He spoke however to listless members and to empty benches. So did all others who had anything to do with the subject on that occasion, either in the Commons or in the Lords. A quiet time might be ideally the best for elaborating a great measure. But in actual practice a representative assembly rarely puts forth on any subject the earnest will and the driving power necessary to carry a great measure through, unless public opinion is keenly exercised upon it at that particular moment.

Then came the cataclysm of the Mutiny, and suddenly all was changed. It was not only the dynasty of the Grand Mogul that was destroyed. The prime minister of England informed the Court of Directors as early as the 19th December 1857 that the East India Company was also to be destroyed, that a bill was to be brought before Parliament at an early date to take over the administration of British India under the direct authority of the Crown. Legislation on the subject was actually introduced on the 12th February 1858, and it passed through strange vicissitudes. An Italian conspirator had, a little earlier, thrown bombs in Paris at Napoleon III, who

2. Speech in the Commons, 3rd June 1853.

escaped unhurt, but the incident had in a few days this surprising result that the prime minister of England was driven from office, dragging his party down with himself. His Government of India Bill could not survive the catastrophe. But, as Bright remarked, "the conscience of the nation had been touched on the question, and it came by a leap,—as it were by an irrepressible instinct–to the conclusion that the East India Company must be abolished." [3] The weak Ministry that succeeded Palmerston had no alternative but to legislate on the subject and on the same principle. Their bill, drawn up by their President of the Board of Control, Lord Ellenborough, contained clauses which excited universal derision. No third Ministry was possible; for England is not, like France, accustomed to ministries succeeding one another with bewildering rapidity. It is not at all an easy matter, of course, to keep a weak ministry in office in spite of its manifest ineptitude on a measure of capital importance. But where there is a will there is a way. It so happened that Lord Ellenborough committed another blunder also; this served the turn. He alone resigned; the rest of the ministry remained. They tried to strengthen themselves by offering the vacancy to Gladstone. [4] If he had accepted, he would have had his own way, and one feels morally certain that in arranging the transfer to the Crown he would have introduced some effective checks upon the autocracy of the supreme government of India, to safeguard the interests of the people of India. But it was not to be. Lord John Russell had meanwhile come to the rescue of the ministry by suggesting that it would be better to begin afresh by first deciding all the main principles to be embodied in the new constitution. This course was adopted, resolutions were proposed and discussed, and a

3. This was at a later date. But he said that was the only course "from "the moment the House of Commons met this Session."—Speech on the 24th June 1858.

4. Morley's *Life* I 583-591.

third bill was placed before parliament by the new President of the Board of Control, Lord Stanley, in June ; and this at length passed both the houses, with some important amendments, and received the royal assent on the 2nd August.

This *Government of India Act, 1858,* substituted for the Board of Control and the Court of Directors and the Court of Proprietors, a Secretary of State for India and a Council, who were to wield all the powers of those bodies, stand towards the Governor General and Governors in Council in the same relation, and rule over India on behalf of and in the name of the Crown. Eight members of the Council, which was styled the Council of India, were to be nominated by the Crown, seven were to be elected, in the first instance by the Court of Directors, and later by the Council themselves, and the nominations and elections were at all times to be so managed as to secure as Councillors at least nine persons with a ten years' period of service or residence in India to their credit, who, moreover, had not left India more than ten years before their appointment. Once appointed they were to hold office during good behaviour, but were removable upon an address of both Houses of Parliament. They were not to sit or vote in parliament. The object of these provisions was to give advisers to the Secretary of State who would have expert knowledge and might be enabled to be independent of him and of party influences in the performance of their duties. A Council so numerous was thought necessary because expert knowledge connected with all the presidencies and the various civil and military branches of the administration in India, as also the mercantile and other interests independent of the services, were to be represented upon it, and it was also hoped that a large Council, with a permanent personnel changing only very gradually, would soon develop an *esprit de corps.*[5]

5. See Lord Derby's speech, 16th July 1858.

The powers conferred upon the Council were, however, not at all adequate to bring about these results. It is possible that the great position which the Court of Directors filled in outward appearance misled Parliament, and their complete subordination in reality to the Board of Control during the last twentyfive years of their joint existence was overlooked ; or else, the responsibility of the Secretary of State to parliament was itself thought to be quite a sufficient check for all practical purposes. Anyhow, the Secretary of State was to be bound to act according to the view of the majority of the Council only in certain specified matters : viz. the election of a member of Council; the division and distribution of the power of making appointments among the several authorities in India and the disposal of appeals against such authorities by aggrieved parties; contracts, sales, purchases, raising loans, &c. on behalf of the Government of India, and all matters connected with the property and all real and personal estate whatsoever of the Government of India; and, last, all matters counected with the expenditure and revenues of the Government of India. In all other respects the Council was only an advisory body and the Secretary of State was free to send orders to India and to act and to abstain as he thought fit, though he had to place on record the reasons for his decisions. Five members constituted a quorum, weekly meetings were to be held, and the Secretary of State was to form committees out of the Council and allot the various departments of business amongst them.

Audited accounts of the revenue and expenditure were to be annually submitted to Parliament accompanied by a statement prepared from detailed reports in such a form as would best exhibit the moral and material condition and progess of the country. And it was also provided that the revenues of India were to be applied and disposed of solely for the purposes of the Government of India, that they were not to be applied to defray the ex-

penses of any military operation beyond the external frontiers of British India without the consent of both houses of Parliament,[6] and that whenever an order was sent directing the actual commencement of war by the Government of India, Parliament, if sitting, was to be informed within three months, or if not sitting at the end of such three months, then within one month of the beginning of its next session.

Nana Saheb was not driven across the Rapti into Nepal before the end of the year. It was April 1859 before Tantia Topi was captured. But Queen Victoria was, in consequence of the above Act, proclaimed all over India on Monday the 1st Nov. 1858. The Proclamation, read out on the occasion both in the original and in the vernacular of the district, to the assembled thousands everywhere, was couched in terms of rare felicity, struck the right note, and instantly went straight to the hearts of the millions of India. The Queen had desired it to "give them pledges which her future reign was to redeem, explain the principles of her government and point out the privileges which the Indians would receive in being placed on an equality with the subjects of the British Crown." It was one of her personal acts, if any public act of a constitutional monarch, performed in his (her) capacity as a constitutional monarch, can ever be rightly regarded as a personal act. Or, perhaps, it would be better to say that while it was unquestionably a personal act, it was at the same time more than a merely personal act. It was she who spoke but the pledges and the assurance of new and valuable privileges[7] were given to the people of India by the Eng-

6. This clause was due to Gladstone—*Morley* I 593.

7. I copy from Charles Ball's History of the Indian Mutiny, vol. II pp. 525-6 a portion of the comments upon the Proclamation pronounced by two Indian journals of the time :—

The Bombay Standard—If we apprehend rightly the meaning of the Proclamation the promises it conveys of internal and civil reforms

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lish Nation speaking through the lips of their august sovereign.

A Royal Proclamation at ascending the throne or when annexing territory is so essential a part of the ceremonial appropriate to the occasion, that one rarely thinks of tracing any particular announcement of the kind to its source. But the contents of this one are not at all of the usual character; and the policy they breathe will be found more than foreshadowed in the great speech John Bright delivered on the second reading of Lord Stanley's bill in the House of Commons.

Mukharji I 134–175 the Act and the Speeches of Lord Palmerston and Lord Derby; also I 431–435, the Proclamation and how it was drafted.

Ilbert pp. 94–7.

Bright: Speeches on June 3, 1853; May 20, 1858; June 24, 1858.

H. Paul. History II 138–178, 184–5.

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will have, in their performance, the greatest influence on the future destinies of this country. We cannot but see in the words Her Majesty is made to use, a solution, an effectual solution, of the difficulty adverted to by Lord Stanley in his last speech—namely, the difficulty of administering from a constitutional country the government of a despotism. In our apprehension, Her Majesty's declaration that the obligations which bind her to all her other subjects shall be fulfilled faithfully and conscientiously with regard to the natives of her Indian territories, seems to imply, at the very least, the grant of such a constitution as those other subjects, all and each, are in the present enjoyment of. . . . We do not wish to imply that a copy of the British Constitution will be given to this country; but we confidently expect that . . . .

The Friend of India—The act of mercy is a graceful commencement of a new *regime*. We perceive with pleasure that it is so entensive. India is sick of slaughter; . . . . The revolution in the government of India is one, the vastness of which only the next generation will appreciate. It is the principle of our government, not its external form, which has been changed; and to the mass of men, a new principle is as imperceptible as the soul . . . . India has become part of the British dominions; this is all that has happened; but this is not the insignificant all that the enemies of Englishmen would have them believe. Nothing was changed, save a name, when the Convention announced the abdication of James II. The monarchy was untouched. The prerogative remained unimpaired. The law remained unmodified . . . . A new principle had been introduced, and the consequence was the difference between the England of the Stewarts and the England of Victoria. India has also changed a name; and a century hence, men will date the history of progress from the Proclamation of the Queen.

CHAPTER IV.

THE SUPREME GOVERNMENT.

§ 16. *Meaning of a Constitution.*—Governments are either absolute or limited. In an absolute government there is no legal limit to what the Head of the government might do, or order, or permit. Governments in which the powers of the Head are not absolute, but limited through and by law and custom are also called constitutional governments, because the laws, institutions, customs and conventions which limit the powers of the titular Head and lay out the channels along which they flow, are collectively spoken of as the Constitution of the State.

Such constitutional states are further subdivided into States with constitutions that have *grown,* and States with constitutions which have been *made.* The differences between constitutions which have grown and constitutions which have been made are many and important.

Constitutions of the second variety rest on written documents—Acts of the Supreme Legislature or Declarations of the Supreme Head, or Treaties between the smaller states which combine together to form a large complex federal state.

The documents attempt a logical and complete view of the whole duty of government and provide for it, by a system of correlated and mutually limiting laws, institutions and departments. In such constitutions the executive, the legislative, and the judicial functions of government,—as also the organs entrusted with them,—are sometimes clearly separated from one another, and arranged so as to form mutual checks. The fundamental liberties of the individual are moreover defined and safe-

guarded as far as legal and administrative provisions can do so.

Some written constitutions also include provisions laying down a special process or machinery by which alone they could be amended. This gives them a *rigidity* not possessed by the *flexible* or *elastic* constitutions which make no distinction between amendments to the constitution and ordinary legislation.

Constitutions that have grown up have none of these features; they are not all written out, not logically constructed, not conceived and constructed as a whole to cover the entire range of governmental functions, they do not clearly differentiate the executive, the legislative and the judicial functions and organs of government from one another, their legislative organs are not limited in power but can and do effect fundamental changes in the constitution whenever necessary, nor are they rigid. They are always in a state of flux, and even before all the changes involved in the last great effort of public opinion have been fully and definitely secured, they are moving on to some other great change.

The Indian Constitution partakes of the merits and defects of both these types. The British Sovereign and Legislature being the ultimate authority in regard to it, its sovereign will is expressed from time to time in the form of Acts from 1858, and previous to that date, of Charters and Acts. And this Sovereign created a dependent legislature for India by the Charter Act of 1833 and later enactments, which has also expressed its own will, within the province allowed to it, in the form of Acts.[1] Thus to this extent our constitution is like a constitution made. But even the whole set of these Acts and Charters taken together

1. Presidencies recovered legislative power by the Act of 1861, which established presidency legislative councils on the same lines as the legislative council of the Government of India.

does not give the whole of the Constitution. The Executive Government has also concurrent legislative authority,—at least in so far as the King in Parliament permits its exercise,—so that the regulations, ordinances and resolutions of the Government of India have to be taken along with the above body of laws, in order to arrive at the written law-made constitution of British India. Secondly, the Executive Government has and actively exercises all the residual powers of an absolute sovereign; not merely the limited powers of a King in a modern European representative democracy, but the unlimited arbitrary powers of an Oriental monarch, which it claims by right of conquest and succession to the last great paramount power in India, viz. the Grand Mogul. Thirdly, the charters and Acts and other written expressions of the will of the State mentioned above, are occasional only, each merely attempting to redress a particular grievance, or supply a particular want or correct a particular defect, not in a thorough or logical manner, but only in a haphazard practical way. And, lastly, the British people are very very gradually learning more and more about India, they are very very gradually educating India and preparing it for self-government, and they are very very gradually extending the rights and privileges and institutions of a modern civilised self-governing people to India, as a part of their Empire. In these respects, then, our constitution is in a state of growth and flux.

Marriot: **English Political Institutions, ch. 1 and 2.**

Dicey: **Law of the Constitution, pp. 1–34.**

§ 17. *Supremacy of Parliament.*—The Act of 1858 created a constitution for British India which, from that date to 1920, remained the same in essentials, in spite of alterations in details. The Supreme Government thus established for India consisted of the Governor General in Council in India, the Secretary of State for India and his

Council in England, and the King in Parliament over both. The mutual relations of these three are not very easy to grasp, because in actual working the legal provisions leave a latitude which gave the individuals in office at any time a certain amount of discretion or independence of action according to their own judgment, as it is very desirable that political machinery should. And because of this personal freedom or discretion the two principal officials—the Secretary of State for India and the Governor-General—appeared like Rulers armed with great powers, almost equal and concurrent, except where the two disagreed, or where parliament chose to impose its will. The first question, therefore, with reference to this Supreme Government of India established from 1858, is—What, under it, is the nature and extent of the supremacy of parliament?

The word 'parliament' is used in various ways. Sometimes it means the Crown and the Ministry and the two houses of parliament all taken together, although when this is meant the more correct expression to use is 'the King in Parliament.' This, of course, is the legal or constituted sovereign over the whole of the British Empire, and therefore over India also as included within the Empire. Every act of government anywhere in the Empire or done anywhere in the name and on behalf of the Empire, is due directly or indirectly to the authority of the King in Parliament. But the question of parliamentary supremacy before us refers not so much to this formal matter of the final source of all government activity, as to something less universal, more particularly connected with India, and more definite in meaning. What we have to examine is the nature and extent of the supremacy in Indian matters of parliament as such.

Under the English constitution the mutual relations between the legislative power and the executive power are peculiar. The Ministry are the executive, the houses

of parliament are the legislature, but the two are so far from being separate, that, when parliament is sitting, they continuously act and react upon each other. The ministers are also members of parliament and take the lead in the debates. The Ministry have usually so much fresh legislation to get from parliament, and there is so much of other government work of primary importance—such as the annual budget—to be got through, that nearly all the time that parliament can devote to legislation of a public character is controlled by the Ministry. Both in the selection of topics for legislation and in the provisions of any particular measure the ministry have of course to conduct themselves in full view of public opinion as expressed both in parliament and outside. But this healthy influence of parliamentary and outside criticism on the legislative programme of a ministry is exerted more upon the programme as a whole than upon particular items of it, and in matters on which English citizens and their parliamentary representatives are indifferent, the Ministry are left practically free to do anything or nothing at their own sweet will. Again, even if through some circumstance India and Indian affairs come into temporary prominence and some legislation is undertaken, the Opposition have as a rule treated the matter as lying outside party politics. There has usually been, so to say, a working understanding or a tacit conspiracy between the two "front benches," which made it almost impossible for independent members like Henry Fawcett or Charles Bradlaugh, inspired by a pure sense of duty towards the dumb millions of India, to achieve anything. Thus the supremacy of parliament in the Government of India has been exercised in legislative matters, during this period of sixty years from 1858 to 1920, only in and through the Ministry of the day.

Acts of the Administration and the general policy pursued by it come under the executive functions of a government. The houses of parliament are generally

thought of as the supreme legislature of the Empire, and so it might be supposed that parliament would be found to exercise its supremacy much more in legislation than in executive matters. But just as in legislation, so also in this branch of the activity of a government, the actual facts are different and highly complex. Under the English Constitution, the executive is not independent of the legislature but responsible to it even for the discharge of its own proper function. And this responsibility or dependence of the executive takes effect in a variety of ways, in the day to day influence which the Ministry and the houses of parliament exert upon one another while parliament is in session. No Ministry can accept office or maintain themselves there, unless supported by a majority of the members of parliament, especially of the house of commons. The English Ministry are an "indirectly selected" and an "informal but permanent caucus of the parliamentary chiefs of the party in power [1]" The King appoints the ministers, but that is only a formality. The Prime Minister selects the other ministers, but, he too, in forming his ministry, can exercise very little freedom of choice. Most of his colleagues must be veterans who have had careers as long and nearly as distinguished as his own, who were ministers along with him when their party had been in power on one or more occasions in the past. John Bull is a political animal and the incessant political cogitation and agitation and canvass going on in parliament and in the country, and coming to a head every now and then in general elections, casts up leaders, who by virtue of their effective participation in that process get selected as ministers of the Crown, when their party obtains a majority in parliament. Thus the legislature and the executive are in sympathy with one another when both begin their career at the inauguration of a new parliament, and the general policy pursued by a

1. Lowell, *Government of England*, I 55–56.

ministry with a strong parliamentary majority is as much that of the country and of the legislature, as it is their own. Under the peculiar parliamentary system of England, executive power and political responsibility to parliament and country are thus fused together into a unity, and the general policy pursued by a Secretary of State for India is pursued by him as the selected and trusted agent not only of the Ministry but also of the supreme parliament. Hence, in this section also, if and in so far as the elector and his representative in parliament are indifferent with reference to any province of their imperial obligations or determined to keep it outside the range of party and within the discretion of the supreme executive for the time, the Ministry and the Secretary of State, despite their theoretical subordination to parliament, are practically free to do anything or nothing at their own sweet will. The military burden–in men and money–that India has had to bear, the despatch of Indian troops to China or Malta, Egypt or South Africa or East Africa, France, or the Dardanelles or Mesopotamia, the forward policy in Baluchistan, Afghanistan, Persia, Arabia, Tibet, Burma, or Siam, the share imposed upon India of the expenditure in each case, annexations or withdrawals, and all similar matters inseparable from high policy, have been thus decided throughout this period from 1858 to 1920 by the British Ministry and the Secretary of State for India, and the parliament as such has done very little indeed to exercise any check as the trustee under Providence of Indian interests.

In this sphere, too, independent members have now and then raised their voices, but it was only on one occasion, 1879-80, that the Indian policy of the Government of the day was checked and then reversed, and even this single instance cannot be claimed as an exception in which the parliament asserted its supremacy as such. The check and reversal in Indian frontier policy was brought

about as part and parcel of an entire reversal of the foreign policy of the conservative party under Lord Beaconsfield by the liberal party under Gladstone, who first opposed them in parliament and then brought about a general election in which they secured an overwhelming majority.[2]

Particular acts of the Administration, as distinct from general policy, come under the supervision, criticism and control of parliament in a variety of ways, when, as a result of the question or debate or the vote, the particular matter is remedied or the officer concerned dealt with as might be necessary, after full opportunity has been afforded to the Executive to place before parliament all that could be urged in explanation, extenuation or defence. The opportunities for thus bringing pressure upon the executive "are manifold. There is first the address in answer to the King's speech at the opening of the session; then the questions day by day give a chance if not for direct criticism, at least for calling the ministers to account; then there are the motions to adjourn; the private members' motions; the debates on going into the Committees of Supply and Ways and Means; the discussions in the Committee of Supply itself; the debates on the Consolidated Fund Resolutions, on the Appropriation Bill, on the Budget, and on the motions to adjourn for the holidays, and, finally, the formal motions of want of confidence."[3] Now, it is not possible in a brief and elementary book like this to enter upon a detailed examination of how these various opportunities have been availed of in parliament with reference to Indian topics, during such a long period as sixty years; and to point out, as a result, how even in this branch of the subject the supremacy of parliament is, as a matter of fact, merely nominal. All that can be attempted is to offer some select illustrations.

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2 Morley, *Gladstone*, bk VII.

3 Lowell, I 328-9.

A recent instance of the motion to adjourn the house for the consideration of an urgent matter, is the debate on the report of the Mesopotamia Commission, which occupied two days in both the houses.[4] The enquiry had revealed that the soldiers had suffered indescribable privations and many valuable lives had been lost; the transport services had not been adequate for months and the medical arrangements had been disgracefully meagre and had, moreover, broken down. The Commission had censured certain departments and also certain high officials by name, such as the Secretary of State for India, the Governor General, the Commander in Chief in India, and the military member of the India Council. The publication of the report on June 26th excited a passionate outburst all over England, and it was because of that circumstance and that alone, that the debate compelled the executive government to take action, and important results followed. The Secretary of State for India was the official who was technically bound to take all the blame upon himself, except such as could be judicially proved against particular individuals for specific actions or omissions, and Mr. Chamberlain announced to the House of Commons at a very early stage in the debate that he had actually resigned. Lord Hardinge also resigned, but at that moment he had long ceased to be Governor General, and was holding a subordinate position as permanent secretary at the Foreign Office; no political responsibility is ever attached, under the constitution, to permanent civil servants even of the highest rank; nor could a censure based upon the way in which he had discharged his duties as Governor General in a particular episode be held to affect his competence for this later post; and his resignation was not accepted. Lastly, the Commander in Chief and the other military officers were dealt with by the Army Council.

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4 July 12 and 13, 1917.

Private members' motions for specific executive action were never very numerous in parliament. We may note four instances. In 1889 the House of Commons passed a resolution directing the Government of India to modify their excise policy so as to discourage intemperance. Messrs. W. S. Caine and S. Smith led the way in this important question, and the result has been both fuller information on the excise administration to parliament and an effective check upon the tendency of executive departments to attach too much importance to mere increase of revenue. Another resolution the same year condemned the India Government for encouraging the consumption of opium in India, a vote that was repeated two years later. But the government appointed a Royal Commission with Lord Brassey as President, which reported in 1895 in favour of the existing system, and no change has been made.[5] As a last instance might be noted Mr. H. Paul's resolution of the 3rd of June 1893, that the examinations for the Indian Civil Service and other non-military services should in future be held simultaneously in India as well as England. The Government, however, collected against it "the opinions of Indian officials, which were almost wholly adverse to the change,"[6] developed the cult of an irreducible minimum of Europeans as indispensable for efficiency and demanded by the masses as well as by the more virile but less literary races of India, and did nothing.

On the 12th February 1895 Dadabhai Naoroji moved an amendment to add to the address a humble prayer to the effect that the British Exchequer should bear a fair and equitable portion of the expenditure incurred by India both in "the employment of Europeans in the British Indian Services," and "on all military and political operations beyond the boundaries of India."[7] This led to the

5 Strachey, ch. 10.

6 Lowell, I 328.

7 *Poverty and Un-British Rule*, pp 294-304.

appointment of a Royal Commission with Lord Welby as president, [8] but it did not report till 1900, nor did it make any 'fair and equitable' recommendations as to the standing military burdens of India or the heavy extra expenses imposed upon her from time to time by reason of wars of annexation or of Imperial policy.[9] Every one was disappointed at the result, from Sir Henry Fowler downwards. What was worse, the Commission did recommend that England should make to India an annual contribution of £ 50,000 in aid of the charge for the India Office; and this no English Government, Liberal or Conservative, was then prepared to concede.

The constitutional objection to such proposals is that to adopt them would be to bring that part of the expenditure of the Government of India regularly before the House of Commons in Committee of Supply; that would be to subject Indian policy and administration regularly to the review of parliament; whereas, although parliament is of course ultimately the supreme authority even as regards Indian policy, checks and obstacles have been deliberately interposed between the Indian Executive and parliament, so that the intention is to leave the Indian policy of a Ministry which possesses the general confidence of parliament, free from the full force of its regular and detailed control. Parliament is of course the supreme authority whenever it chooses to assert itself; but the constitution it has deliberately framed for India is that it does not choose to assert itself, except under exceptional

8 For a brief account of this Commission with comments see R. C. Dutt, *Victorian Age*, pp. 555-561; J. R. Macdonald, *Government of India* pp 154-158.

9 Gladstone's government contributed £5 millions to India towards the cost (£ 18½ millions: *Moral & Material Progress Statement*, 1882-3, p. 87) of the Afghan War. As Dutt notes, "itis the only instance on record of a practicalrecognition of the principle that the cost of Imperial policy wars beyond the Indian frontier, should not be borne by India alone."—p. 483.

circumstances. Hence it is that, to pass on to another of our illustrations, it is not parliament that settles the Indian budget. That is settled by the Governor General in Council, obtaining such fresh sanctions as might be necessary in any year from the Secretary of State and Council. The so-called Indian Budget Debate that takes place in the House of Commons on the motion (that the Speaker do now leave the Chair) to go into Committee on the East India Revenue Accounts, is "a purely academic discussion which had no effect whatever upon events in India, conducted after the events that were being discussed had taken place." [10] That was why the debate took place before empty benches. That was why a busy Ministry and a parliament with far more work than it could dispose of, fixed it year after year near the end of the session, generally after the Appropriation Bill had been read a second time. It was not even obligatory to have it every year, and during the Great War it was altogether omitted more than once. But that was also the reason why members of parliament who wanted to reform this constitution of India, hit upon the expedient of an amendment to the Indian Budget motion, that "in view of the responsibility of parliament in reference to the Government of India, and in order to provide for a more effective control over Indian questions, it is expedient to place the salary of the Secretary of State for India on the Estimates." Such an amendment was proposed several times but no Ministry, liberal or conservative, could allow it to pass unless it was also prepared to alter fundamentally the character of the constitution of India as it had been fixed by the Act of 1858.[11]

10 E. S. Montagu: in the Mesopotamian Debate, 12-7-1917.

11. Mr. Cathcart Wason's amendment was negatived in 1905 by 51 votes in a house of 181; in the first Indian Budget debate under the Liberals in 1906, Mr. Keir Hardie's amendment was negatived by 61 votes in a house of 242 There are some letters from Morley to Minto bearing on Morley's speech in this second debate. *Recollections* II pp. 172–180.

For our last illustration let us look at the pressure which Lancashire has repeatedly exerted through parliament upon the Government of India. The Secretary of State has been asked by memorials and deputations and by means of motions and resolutions in parliament to increase the quantity and improve the quality of the cotton grown in India, to push on the extension of railways in lean years as well as in fat, to pay more and more regard to the condition of the labourer working in the textile factories of India, and, above all, to avoid any such taxation and policy as might, in the Indian market, give even the local manufacturer of cloth any advantage over that of Lancashire. This is the special brand of the humanitarian free trade gospel *a la* Lancashire, warranted to bestow upon the Indian masses the triune blessing of the cheapest clothing, the highest real wages, and the most reliable famine relief. Hansard records so many discussions and resolutions on this subject that it is not easy to make a choice. But perhaps the most characteristic instance is the motion of the 10th July 1877, demanding the immediate repeal of the import duties on cotton goods (5% *ad valorem*) imposed by the Indian Tariff Act of 1875. The conservative Government was in office; they resisted it but only succeeded in inducing the house to add a qualification to the effect that repeal was to take place "without delay, as soon as the financial condition of India will permit." But just then a widespread famine was raging in many parts of India. The budget of 1878 provided for an annual saving of a million and a half as a famine insurance fund by means of increased taxation. Lastly, on the 21st November, General Sir Frederick Roberts crossed the Kuram, and began that search for a "scientific frontier," the second Afghan War. The famine insurance fund, raised by means of additional taxation of a most objectionable character, disappeared. Two millions were to be received from England as a loan towards the expenses of the war Other loans were to be raised in India and

England to the tune of thirteen millions and a half. And yet, a general election was also fast approaching, the Lancashire voter had to be bribed whatever the cost to India, and Lord Salisbury the Secretary of State ordered a reduction in the cotton import duties, and Lord Lytton introduced the reduction in the budget, overruling a majority of his Council. Two paragraphs from the Hon. Mr. W. Stokes' minute of dissent deserve quotation.

Fifthly, because by the proposed repeal, the Manchester manufacturers would practically compel the people of India to buy cotton cloths adulterated, if possible, more shamefully than such goods are at present. The real cost of the clothing of the people would thus be increased rather than lessened.

Sixthly, because Indian newspapers will proclaim in every bazaar that the repeal was made solely in the interest of Manchester, and for the Conservative party, who are, it is alleged, anxious to obtain the Lancashire vote at the coming elections. Of course the people of India will be wrong; they always must be wrong when they impute selfish motives to the ruling race.[12]

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12 H. Fawcett. *Indian Finance*, cn. I and II; Dutt *Victorian Era*, pp. 402-415.

Also C. J. Hamilton, *Trade Relations*, ch. 9. Prof. Hamilton does not deal with the political question at all, yet says: "When Lord Salisbury demanded abolition in 1874 (i. e. from 74 onwards) he could scarcely be excused from the charge of being disingenuous in claiming to speak in the interests of India alone." (p. 234).

The case for Lord Salisbury, Lord Lytton and Sir John Strachey will be found in Lady B. Balfour: *Lytton's Indian Administration*, ch. 10 & Sir J. Strachey: *Indian Administration and Progress*, 4th ed. ch. 12 A few sentences, ending with a resolution of the house of commons April 4, 1879, may be quoted from the last:

"The application to the Indian customs tariff of the principles of greater freedom of trade might have been long delayed but for the accident that the interests of a great British industry were affected .... Popular opinion in India had always, in regard to questions of fiscal reform, been obstructive and ignorant; and the fact that the abolition of customs duties would be favourable to English manufacturers was enough, in the belief of many to prove that the party purpose of obtaining political support in Lancashire was the real motive of the Govt.

(See page 84)

The Act of 1858 might, on a superficial view appear to have established the absolute supremacy of parliament in the Government of India by putting an end to the East India Company and their Court of Directors. But we have now examined the practical effect of that Act in the spheres of legislation, policy, and individual administrative acts and omissions. And the conclusion forced upon us is that the outward appearance or the mere letter of the law is often deceptive. The fundamentals of the English Constitution and the peculiarities of parliamentary procedure have so controlled the working of the Act that it really placed India under an autocratic executive, liable to be influenced by interested parties in England and in India, and unable to protect India from them, except on the rare occasions when the parliament and the people of England asserted themselves on behalf of their great but oriental and politically inert Dependency.

J. A. R. Marriott, chs. 4 and 11.

§ 18 *The Secretary of State and the Governor General.* These two high officials form together the double link that joins England to India. The Governor General is the working head of all branches of the administration, and he represents, besides, the Crown of England in India and is therefore also called the Viceroy. He is the highest

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(Concluded from page 83)

This foolish calumny deserved and deserves no notice or reply. The opposition to the reform satisfied Lord Lytton that he must carry out the measure himself, or acquiesce in nothing being done at all. He believed that the interests of India required it, and he was not to be deterred by the imputation of base motives .... The step was taken by Lord Lytton in opposition to the opinion of a majority of his Council, but on my own advice as member in charge of the finances. It was approved on April 4, 1879, by the house of commons in the following resolution :

That Indian import duty on cotton goods, being unjust alike to the Indian consumer and the English producer, ought to be abolished, and this House accepts the recent reduction in these duties as a step towards, their total abolition, to which Her Majesty's Government are pledged."

personage of the State ; he is the Government of India incarnate. Whatever the Government of India is empowered or allowed by law and constitutional usage to do is done in the name of the Governor General in Council, and the Governor General can, if he chooses, personally assert himself with regard to any such matter, however trivial Innumerable instances can be quoted of his plenary power The installation of the Nizam in 1884 with Sir Salar Jang's young son Laik Ali as minister and without any unfavourable treaty about Berar, was very probably a personal act of Lord Ripon's.[1] Lord Curzon carried personal interference in the administration farther than any other Governor General of recent times; his interference in the famine relief administration of more than one province, and his punishment of a British regiment for a crime committed by one of its soldiers against a woman of the people may be cited as instances in which his assertion of supreme power did incalculable good. As another illustration of the manner in which this masterful viceroy saw his duty and performed it may be mentioned the fact that he persuaded Principal F. G. Selby to accept the post of Director of Public Instruction in the Bombay Presidency against the latter's own inclinations, and on the high ground that it was a dereliction of the duty an able Englishman owed to the land of his adoption, to hesitate merely on the score of personal tastes when an opportunity of higher service and utility offered itself. And as a last illustration may be cited Lord Hardinge's interference in the U. P. where local Muhammadan feeling had become excited over the widening of a main road in a city, which if carried out in the ordinary way would have cut off a few square yards of space from a mosque. Of course, no such instances, taken singly or collectively, can imply that the Governor General is an autocrat like a Maharaja or a Nawab. The

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1 W. S. Blunt : *India under Ripon*. But the Governor General is his own minister for foreign affairs; see the fuller discussion of the subject further on.

Government of British India is a reign of law and of customs and precedents which have nearly all the precision and limitations of written law. As Article 49 of the Charter Act of 1793 expressly provided, the Governor General even when setting aside the opinion of his council and acting on his own, had still no powers whatever which the Government of India as legally constituted could not lawfully exercise.

The appointment of the Governor General is made by the Crown; but that is only a formality. The Prime Minister and the Secretary of State for India make the selection. The opinion of an experienced monarch like Queen Victoria or Edward VII would necessarily carry great weight even with the greatest of prime ministers; but the responsibility for the choice rests with the last; and the Secretary of State may carry his point with his chief by a threat of resignation.[2]

Changes in the Ministry in England do not necessarily involve a resignation by the Governor General. Although the new ministry might belong to a different party, it might not have an Indian policy different from that of their predecessors. And even if there was such a change, the Governor General appointed by one party might continue to serve, if he had no objection to carry out the new policy. Lord Minto, for instance, was appointed by the

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2 Morley, *Recollections*, his letters to Lord Minto of April 29 and June 1, 1910. – "My whole point was that the impression made on India by sending your greatest soldier (Lord Kitchener) to follow Reforms would make them look a practical paradox. It will then be for Asquith to say whether he goes with me or not. If he does, then he will have to support that view in the Royal closet. If he does not, then the Indian Secretary will go scampering off, like a young horse..." Take another instance. In 1875 Lord Randolph Churchill tendered his resignation as Secretary of State for India because the Prime Minister, without consulting him, had transmitted to the Viceroy a suggestion by the Queen that one of her sons should be appointed to the command of the forces in Bombay. The appointment was not made, and Lord R. withdrew his resignation."—*Lowell*, I p. 42.

unionists, but when the liberals came into power soon after, he continued at his post and helped in the preparation and introduction of the Morley Reforms. Lord Northbrook on the other hand, objected both to the forward policy in Afghanistan and the dictation of the Secretary of State in Indian Finance, (which the Beaconsfield Ministry and their Secretary of State, Lord Salisbury, insisted upon), and resigned. His succeessor Lord Lytton sympathised with the conservative policy, adopted it as his own, and when the liberals attacked the Indian measures of the conservatives as bitterly as their general policy, and, as a result of the wellknown Midlothian campaign came into power with an overwhelming majority and the conservative ministry resigned, he too resigned office along with his political friends.[3] Lastly, there is the case of Lord Curzon's resignation, This arose out of a difference of opinion between him and his commander in chief, Lord Kitchener. The military department of the Government of India had at its head a soldier who was an ordinary member of the Governor General's council, and was the constitutional adviser of the Governor General on all army matters. The Commander in Chief was the head of the army, but any proposals he had were to be submitted to the Government of India through this Military Department. Lord Kitchener objected to this. The Government of India, on the other hand, were unanimously of opinion that the system was absolutely necessary to maintain the supremacy of the civil authorities over the military. The Secretary of State for India and the British Cabinet decided the issue in favour of Lord Kitchener, and Lord Curzon resigned.[4]

We pass on to a consideration of the powers of the Secretary of State for India and the mutual relations between him and the Governor General. The Secretary of

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3 Lady B. Balfour : *Lytton's Indian Administration* p. 419.
4 Sir T. Raleigh : *Lord Curzon in India*, pp. xlviii to li.

State has taken the place of the former Board of Control and the East India Company and represents, besides, the supreme authority of the British cabinet and the British parliament. It is worth noting that parliament has not conferred any individuality upon the Secretary of State as such. Section 3 of the Act of 1858, following the previous enactments about the Board of Control and its President, speaks only of "one of His Majesty's principal Secretaries of State." Thus any of these members of the Cabinet can perform the duties of the Secretary of State for India. This is an excellent example of the way in which the British constitution combines individual initiative with collective responsibility. And the arrangement has its convenience on exceptional occasions also, e. g., when His Majesty visits India in person, or when the Secretary of State for India has to do so himself. The same section provides that he is the heir to all the powers of the Board of Control and the East India Company. And under section 25 of the Charter Act of 1833 he has, whenever he chooses to exercise it, "full power and authority to superintend direct and control all acts operations and concerns" "which in any wise relate to or concern the Government of India," and "all grants of salaries, gratuities and allowances and all other payments and charges whatever, out of or upon the said revenues and property," except in so far as parliament has otherwise provided with respect to any portion of this power and authority. The exception, let us add at once, refers only to such powers as have been conferred by parliament on the India Council of overriding the authority of the Secretary of State, and these we shall return to in a later section. The constitutional conventions with regard to the Secretary of State's powers of superintendence direction and control are a more difficult topic. Under the East India Company Governors-General could not wait for orders from England, and had as a rule to take action on their own responsibility even in matters of

peace and war. But in the meanwhile science was progressing and the world was shrinking up. After 1858 Governors-General could be controlled more effectively and continuously from England. The telegraph made it possible to send brief orders several times a day. The time consumed in sending full reports by post from one end and detailed instructions from the other also became progressively shorter.[7] But the intention of the legislature was that except in foreign affairs the responsibility for the administration and progress of India was primarily that of the Government of India, and that sufficient initiative was therefore to be left with it. Thus the Government of India continued practically a great independent State, and the Secretary of State did not exercise his initiative even in matters of parliamentary legislation. The impulse given by the Mutiny produced several great Acts (which will be discussed in later chapters), and then for a time parliament and the British ministry left India to itself. The age of Palmerston was a quiescent period in England also. A new era began with the Beaconsfield Ministry (February 1874 to April 1880). And in the eighties also began the pressure of Indian opinion for greater rights and representative legislatures. After a short period of hesitation the Government of India made up their own minds about it. The Services were no longer animated by the enthusiasms of the period from Bentinck to Lawrence. The European settler was no longer a mere pioneer. He had grown in numbers and in wealth, he was socially and politically organised, he held certain great industries in the hollow of his hand and was proceeding to acquire other monopolies, and whereas in a former generation he had leaned upon and followed the lead of the Services, he was now the senior partner of the concern, and it was for the Services to follow where he led the way. In England, too, jingoism gathered force, and

7 The Suez Canal was opened in November 1869.

yarns like the *Bridge Builders* and rhymes like the *White Man's Burden* appeared, showing how genius itself was not always independent of prevailing currents of opinion and emotion. The Government of India capitulated to Anglo-Indian opinion from the time of the Ilbert Bill.[8] Parliament itself refused in the nineties to move a single inch beyond what such opinion considered absolutely safe. Nothing could be done until England itself changed. This too happened. Campbell-Bannerman came into power in 1905 with a liberal majority behind him of commanding strength. Jingoism perished unwept, unhonoured and unsung in South Africa and elsewhere. The Anglo-Russian Agreement established the essentials of a solid peace in Western Asia.[9] Hopes ran high in Egypt and in India. The Government of India, however, had not changed. Anglo-India had not changed. Their

8 "22nd December 1883 ..Mrs. Ilbert called to ask condolence. She says her husband has been abandoned by every one, and now by Lord Ripon. She blames Lord Ripon for his weakness, not the people at home. Lord Kimberley had written to her husband, urging him to stand firm, but the members of council were frightened out of their wits, and Lord R. has followed them. "—*W. S. Blunt, pp. 96-7*

9 Morley, *Recollections*, Bk V ch 1 and 2, esp. letter to Lord Minto July 6, 1906,—"H. M.'s Government have determined on their course and it is for their agents and officers all over the world to accept it. If there is one among them to whom it would be more idle to repeat this a, b, c of the constitution than another, you are that man...this country cannot have two foreign policies." This applies to the whole period from 1784 (Pitt's India Act) to 1920. Wellesley overstepped the limits of the foreign policy approved by the Board of Control and lost their support. Curzon (Morley notes more than once) went beyond what the Conservative Cabinet approved in his Tibetan policy. Some few exceptions like that, however, in a long period do not invalidate the truth of the general statement.

The British Cabinet cares less, and less continuously, about the Princes of India. In this branch of foreign policy, then, we might expect to find greater liberty of action allowed to the Govt. of India. But even here the British Ministry have asserted themselves whenever the Govt. of India went too far. Dalhousie's policy was reversed by the Proclamation. Curzon's hectoring policy was followed by Minto's quiet and soothing urbanity and Hardinge's sympathetic friendliness.

representatives and organs in the Lords, the Commons and the English press had not changed. Morley's speeches and his letters to Lord Minto reveal the enormous friction against which he had to advance The shibboleth of the relative position of the Secretary of State and the Government of India under the constitution, was a party cry raised by these reactionaries to maintain their privileged position intact against liberal assault. Fortunately, with the new constitution now established under the Act of 1919, the constitution as it persisted from 1858 to 1920 has become a thing of the past, and knotty questions like this have now only an historical interest. Lord Salisbury and Lord Morley are instances of Secretaries of State who exerted their constitutional power to the utmost, while, of course, Lord Curzon is the outstanding example of a Governor General whom history must hold personally responsible for a goodly proportion of the acts done by the Government of India during his *regime*.

Ilbert ch 3 §§ 2, 13, 14, 21, 36, 37, 44, 48.
Sir V. Chirol, *Indian Unrest*, ch. 26

§ *19* *The Executive Council.* We have already traced the history of the Governor-General's (and Governor's) Council from the Regulating Act to the Charter Act of 1853. This last enactment converted the Law member into a full member of Council (§ 21). By the Charter Act of 1833 this was the only member whose appointment was "subject to the approbation of His Majesty, to be signified in writing by His Royal Sign Manual," countersigned, of course, by the responsible member of the Privy Council (§ 40). By the Act of 1853, the appointment of all members of Council, both in the Government of India and the Presidency Governments, was made subject to similar approbation of the Crown (§ 20). From that date to 1919 the number of the ordinary members of the Governor-General's Council has risen from four to six. The Indian Councils Act, 1861, added the fifth member (§ 3)

the Indian Councils Act, 1874, added a sixth, specially for public works,[1] and the Indian Councils Act, 1904, made him like the other four (excepting the Law member) available for any department. Ever since the Act of 1793 the Commander in Chief has been an extraordinary member of the Council (§ 32). Of the ordinary members the Law member must be an English or Irish barrister or a Scotch advocate of not less than five years' standing; and three others must have put in at least ten years in the service of the Crown in India at the time of their appointment. The Act of 1861 provided that these "shall be appointed by the Secretary of State for India in Council with the concurrence of a majority of his Council." The absence of legislative direction as to the qualifications of the other two members has facilitated the appointment of financial experts or of members of the English Civil Service. And from 1909 one Indian has been appointed to the Council.[2] The first two of the Indians so appointed in succession, Mr. S. P. (now H. E. Lord) Sinha and Mr. (now Sir) Ali Imam were Law members, but the third, Sir Sankaran Nair, was given a different department.

Originally, every matter was referred to the whole Council. But the Act of 1861 empowered the Governor General "to make rules and orders for the more conveni-

1 The post was not always filled. According to Sir T. Raleigh, Curzon "before he left India, obtained the consent of the Secretary of State" (p. xv) to revive the practice of filling it and there has been no break since.

2 "No Indian member had ever been appointed...Innovation in this exclusive practice was evidently of profound significance and so it was felt to be, both in India and at home. It removed one of the most conspicuous stamps of inferiority and gave Indians a new and widened share both in framing laws and in influence on daily administration. Resistance to so serious a move was natural and determined. It was more determined a thome than among Europeans in India itself." Morley *Recollections* Bk V ch I See also his speech in the House of Lords, 23-2 1909 and his letters to Lord Minto of May 3, June 15, August 2, November 15, 1906; February 15 and 28, April 12, May 3 and 16, and August 23, 1907; December 12 1908; and January 21 and 28, February 4, 18 and 25 and March 12, 1909. Lord Lansdowne called it 'a tremendous innovation.'

ent transaction of business" by his Council (§ 8), and these "few words gave to Lord Canning and his successors the means of reforming"[3] the system. Thus arose working by departments with a centralised secretariat at the seat of government. At the apex of each department is the Secretary to Government in that department. Matters of routine, where the case falls clearly under established rules and regulations are disposed of by him. All other matters he submits to the Member of Council in charge of the department, in a form ready for decision and with his own opinion thereon. On many of these the Member is able to pass the final orders on his own authority, but the rest are submitted to the Governor General. Personal consultations between these three or any two of them are also frequent, nor is any of them debarred from informal consultation with any other Member. Much of the most important business of a department is thus settled by the Governor General and the member for the department. But whenever the Governor General or the member of Council considers further discussion necessary, where more than one department or more than one province are concerned, where a provincial government has to be overruled, or where fresh legislation or a new departure would be involved, the matter is submitted to the Council as a whole. The system is sufficiently elastic to secure individual responsibility with a continuity of policy, but its successful and harmonious working depends to a great extent upon the personality of the Governor General.

The distribution of the entire work of the administration into departments is not very logically carried out, for at the time of Lord Canning there were only seven men available for the purpose including the Governor General and the Commander in Chief, and only one more member has been added since. The Governor General himself

3 *Strachey*, p. 67; see the whole discussion, pp. 62-70. Also Canning (*Rulers of India*) pp. 46, 191-4; Hunter *Life of Mayo*; *Report of the Decentralization Commission*.

takes charge of the foreign department. In all questions arising out of the relations of India and the Empire with the outside world, that is to say, in all matters of foreign policy strictly so called, the Governor General is free to represent fully to the Secretary of State in England how a particular event or a recent measure actually taken or a further step under consideration would affect India, her safety, her interests, her finances. But with that his duty ends. The decision rests with the Cabinet in England, and the Governor General has to loyally carry out their orders. He is "a 'parliamentary' Governor General responsible to parliament through the medium of the ministry"[4] in more senses than one, some of them rather vague; but his position and his duty so far as foreign relations go have been perfectly clear throughout the period from 1858 to 1920. Internal foreign policy is concerned with Indian States, the frontier tribes, and the relations of India with Afghanistan, Persia, the Arabian coast, and the smaller powers on the frontier generally, who have hardly a recognised status in the hierarchy of international law. In dealing with these the Government of India has more latitude. The Governor General consults experts and is in constant communication with the Secretary of State on all these matters also, but in this sphere he can take decisions to some extent on his own responsibility. But here, too, it is the policy of the British Cabinet that prevails in the long run. And throughout the period under consideration the powers of the Government of India over Native States have been "exercised in four main directions:—(1) Entire control of all external relations of the States. (2) Responsibility for the safety and welfare of British subjects and of the subjects of foreign powers. (3) A tacit guarantee to the ruler that he shall not be removed by insurrection or internal disorders. (4) A tacit guarantee to the subjects of the ruler that they shall not be grossly oppressed nor misgoverned."[5]

4 *Holderness*, p. 163.

5 *Rushbrook Williams* pp. 44-5. See also *India and the Durbar* chs 3 and 8.

The Commander in Chief is now in sole charge of the Army Department. But this arrangement dates from the resignation of Lord Curzon over the Curzon-Kitchener controversy related above. Prior to that episode the military department was under a soldier appointed as an ordinary Member of Council, whom during the period of his appointment the constitution relieved of all military duties, kept permanently at the centre of the Government, and treated as a civilian.[6] The Legislative Department is under the Law member, and besides performing the functions indicated by its title, it performs all the duties of the Government of India in connection with provincial legislation and advises the other departments on legal questions and principles, often dissuading them from courses of action not really within their competence. It also gives final shape and form to such legislative power as the Government of India possesses independently of its legislative council. The Home Department has always been entrusted to an experienced member of the Indian Civil Service. Questions of internal politics such as riots, sedition and anarchy and their prevention, the censorship and control of the press, the administration of the Arms Act, as well as the administration of law and justice, jails, police and the C. I. D., form an important part of its functions. Thus it touches the administration of the provinces at many points. The Department of Revenue and Agriculture was also for many years under the member in charge of the Home Department, but in 1905 these two were separated and Revenue and Agriculture and Public Works were joined together under one member. The Revenue and Agriculture Department, since its reconsti-

6 For additional information see *Gazetteer* IV pp 28, 360-5. The Military Supply Department then created and placed under an ordinary Member of Council looked after army contracts, army clothing, remounts, military works, ordnance, the Royal Indian Marine, and the military work of the Indian Medical Service. But it was abolished in 1909 (*Moral and Material Progress Report*, 1911-12, p. 53).

tution in 1881, has supervised land revenue administration, agricultural inquiry improvement and education, famine relief, and the improvement of agricultural and co-operative credit. The linking together of this with the Public Works Department was facilitated by the creation at the same time of the Railaway Board and the Commerce and Industry Department. The Finance Department which has sometimes been placed under an expert from England, is entrusted with the supervision and control of the general administration of imperial and provincial finance, and is specially in charge of currency and the heads of 'separate revenue'—opium, salt, excise, stamps, and assessed taxes. Lastly, in moving a Resolution in the Imperial Legislative Council in March 1910, recommending that a beginning be made in the direction of free and compulsory education and that a Commission be appointed to frame definite proposals, the late Mr. G. K. Gokhle asked that there should be a separate Secretary for Education in the Home Department in the place of the Director General of Education created by Lord Curzon, and looked forward to a time when there would be also a member of Council in charge of the department. Lord Minto by one of his last acts[7] as Governor General responded to this by placing a member of Council in charge of education, sanitary and medical administration, and local self-government, and his successor Lord Hardinge went further still by placing this department under the Indian member of Council, Sir Sankaran Nair.

The Acts of 1786 and 1793 have been noted in an earlier chapter, which gave the Governor General "a discretionary power of acting (or forbearing to act) without the concurrence of his Council, in cases of high import-

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7 November 1910. *Gokhle's Speeches*, pp. 713 and 718. Of course Lord Minto's step was not due altogether to Gokhle's suggestion. The idea had been there ever since the post of Director General of Education was first created, 1903 (O. Bronwing *Impressions*, p. 160).

ance and essentially affecting the public interest, safety, tranquillity, and welfare;" the Government of India Act 1870 repeated this provision (§ 5)[8]; and it has continued in force throughout the period of our review. The proceedings of the Council are very properly kept strictly confidential, and it is not very easy to judge how often this discretionary power has been resorted to as a matter of fact, or what influence it has had on the spirit in which the Governor General on the one hand or the members of Council on the other perform their functions. Nor can we rely much, in a question of this character, upon the public utterances of the high officials concerned, inspired as they must be, more or less, by considerations of policy or of personal reputation or of loyalty to respected colleagues. It is well known that Lord Lytton acted under this provision when in March 1879 he partially exempted cotton imports from customs duty, as has been related above. But in that case every member of the Government knew in advance that the Governor General was only doing what the Secretary of State and the Ministry in power wanted him to do. Has there been any case of the Governor General exercising his discretion and overruling his Council, in which the Home authorities, originally indifferent, supported his action? Such a case would, for obvious reasons, be more instructive than Lord Lytton's to the student of Indian constitutional history. Looking at the matter from a more general point of view, Governors-General have been ignorant of India and its problems on their arrival; their members of Council, on the other hand, have been experienced administrators who have grown gray in the land and risen step by step by years of meritorious toil and achievment; they surround him, they

8 There was only a slight modification: the Act of 1793 required each member of the Government to record the reasons for his view in every such case; under the later Act this was obligatory only when desired by 'two members of the dissentient majority.' But one wonders whether this change affected at all the number of dissentient minutes. All such minutes could be called for to be laid before parliament.

are his eyes and ears as well as hands, the arts of the courtier are not altogether unknown to them, nor are they philosophers or anchorites indifferent to the exercise and increase of power and influence, and it is perfectly natural for the new-comer feeling his way, to rely upon the judgment of these his constitutional advisers. Even when he has been in India sufficiently long to venture to steer the ship of State by his own judgment, cases of a serious difference of principle or of opinion between him and his adviser or advisers would be rare, and rarer still those in which the majority of them went decisively against him. The supreme legislature fully intended that this provision was to be availed of under a high sense of duty in very exceptional cases only, and it may be asserted with confidence that Governors-General have respected this intention and not resorted to it lightly or frequently.

The Governors of Madras and Bombay were given executive councils in 1784, consisting of two civilians and the commander in chief of the army of the presidency. From 1793 the commander in chief came to be looked upon as an extraordinary member. A hundred years later the office was abolished and the two presidencies had an executive council from that date of only two members until an Indian member of council was added at the same time that an Indian member was appointed to the Governor-General's council. The Indian Councils Act, 1909, gave a similar executive council to Bengal, (§ 3 (1)), although it was then under a Lieutenant-Governor; and on the ground that the provincial legislative councils which that Act was creating or reforming would "throw a greater burden on the local Government, not only by reason of the actual increase of work caused by the longer sittings of the legislative councils, but also because there will be considerable responsibility in dealing with their recommendations,"[9] it provided that other Lieutenant Governors

9 Letter of the Government of India to the S. S. 1-10-1908. Bengal got its executive council from November 1910.

should also have executive councils to help them. But the procedure it laid down was that such a council could be created by a proclamation of the Government of India, only if a draft of the proclamation lay on the table of parliament for sixty days during which neither House presented an Address to His Majesty against it (§ 3 (2)).[10] This procedure made it impossible to obtain under this section an executive council for any other province. The Government of India Act, 1912, converted Bengal into a Governor's province, and provided that Behar and Orissa also was to have an executive council; which thereupon came into existence from August 1912. The Indian members of Council had in the meanwhile proved their worth; their presence enabled the administrations to know and interpret better "the opinions the sentiments and even the prejudices" of the people; while the new executive councils of Bengal and Behar and Orissa showed that that form of government had "an element of continuity necessarily wanting to a one-man" system.[11] But parliament frustrated Lord Hardinge's attempt to give an executive council to the U. P. as it had frustrated Lord Minto's. The reform had to wait until the whole system created in 1858 came to an end by the Government of India Act 1919.

Ilbert: ch 3 §§ 36, 38-47, 51-54.

J. Ramsay Macdonald: *Government of India* ch 4.

§ 20. *The India Council.* We come last to that organ in the complex constitution of the supreme government for India which stands lowest in rank and importance. The Act of 1858 created this Council, as we have seen. The Government of India Act, 1869, gave the power of filling vacancies in it to the Secretary of State, and the members were to serve for ten years instead of during good behaviour. If the Secretary of State wanted

10 The procedure is repeated in the Government of India Act, 1915, § 55.

11 Lord Crewe's despatch, 30-7-1914.

to reappoint any member at the end of the term, he might do so for another five years, but only 'for special reasons of public advantage,' and these reasons were to be laid by him before both houses of parliament. By the Council of India Reduction Act, 1889, vacancies were to be left unfilled until the number of members fell to ten. But this was repealed by the Council of India Act 1907, which provided that there were to be, at the discretion of the Secretary of State, not less than ten and not more than fourteen members, and that the period of service was to be seven years instead of ten. Nine out of the members were to possess the qualification of having served or resided in British India for at least ten years and not left it last more than five years before the date of appointment. As there were no other restrictions upon the choice of the Secretary of State, Mr. Morley (as he then was) appointed Mr. (now Sir) K. G. Gupta and Mr. Saiyed Husain Bilgrami as members in August 1907,[1] principally for two reasons. He had determined that the liberal promises of the free and impartial admission of qualified Indians to offices in government service given as early as 1833 and repeated so solemnly in 1858 were to be fulfilled without any further delay, and he saw clearly that the only practical method of expediting the fulfilment was to make some striking appointments to the highest possible posts. He also wanted the most experienced and the best qualified Indian opinion to exercise an influence from inside the government upon the scheme of reforms then upon the anvil. Lastly, ten years later, with the historical announcement of the 20th August, 1917, already under consideration, and with the certainty of having to follow it up as soon as the Great War ended by some radical measure of far-reaching reform, Mr. A. Chamberlain added a third Indian member to the Council on the 26th June, 1917.

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1 See his 'submission' about it to the King, *Recollections* II p. 228.

The Council worked by means of weekly meetings. The members were also appointed to committees, of which their were seven, but these committees could not by themselves decide anything. All matters relating to (1) the appropriation, sale, or mortgage of revenues or property, (2) loans and contracts, (3) alteration in salaries of the highest posts, and in the furlough and sick leave rules of all government servants, (4) regulations for distributing between the various authorities in India the power of making appointments in India, and (5) the appointment of Indians to posts reserved to members of the Indian Civil Service, were to be decided by the majority. The Council acted as a check upon the Secretary of State throughout this period of sixty years from 1858 to 1920, in these matters only. But even here with regard to the appropriation of revenues and loans the Council failed to safeguard the interests of India. Expenditure depends upon policy especially upon foreign policy, and upon the wars and military establishments it imposes upon a country. The British Ministry decided policy. Wars were entered upon by them; the Council had necessarily no voice or responsibility in the decision. In fact the Secretary of State's orders to the Governor General on such matters and the latter's communications to the former about them, were "secret despatches," and these did not go before the Council at all. And when a war or a forward policy was once entered upon, all the expenditure it involved had to be provided by additional taxation and even by loans, if necessary. The only check upon the Cabinet and the Secretary of State in these vital matters of high policy was the provision introduced by Gladstone into the Act of 1858, as has been noted in the last chapter, that the fact of an order directing the actual commencement of hostilities was to be communicated to parliament, and that the expenses of any military operation beyond the frontiers of British India were not to be defrayed out of Indian revenues, without

the consent of parliament, unless it could be shown to the satisfaction of parliament that the operation had been forced upon the Government of India for preventing or repelling actual invasion or under other sudden and urgent necessity.

Again, the total strength of the army to be maintained in India was from time to time decided by the highest executive authority, that is to say, by the British Ministry on the advice of expert commissions. The numbers of the British element out of that total followed as a corollary. And the expense of obtaining, maintaining and equipping these numbers also followed as a further corollary. The people of India, the Government of India and the India Council had to accept the situation as a part of their fate, and provide revenues to the required amounts, however high, with loyal alacrity.

Matters not requiring secrecy went before the Council if they were not urgent; but if they were, the Secretary of State was free to dispose of them without reference to the Council. When placing these communications to the Government of India before the Council, he had only to add a statement specifying the reasons which led him to treat them as matters of urgency. Finally, the Council voted upon all matters which came before it at its weekly meetings. But the vote of the majority was binding only in the cases specified above. In all other cases the Secretary of State might act in accordance with the views of the Council, and as a matter of fact did so as a rule, but whenever he chose to act differently, he was perfectly free to do so.

Thus, the Council had no influence whatever on policy; in matters of administration not directly connected with revenues, expenditure, and high appointments, it was only an advisory body; the members were the constitutional advisers of the Secretary of State selected by him for that purpose because of their experience and exper

knowledge; but he was bound by their advice only in those matters of administrative detail specified above. No one can read the debates in both houses of parliament from the beginning of the session in February 1858 to the passing of the third Government of India Bill at the end of July, without feeling convinced that the intention of the supreme legislature was to create in the India Council a body strong enough to safeguard the interests of the people of India; the Government of India was to be spurred on by it to measures of progress, civilisation and prosperity; the Secretary of State was to be restrained by it from any encroachments upon the rights of the people of India and their revenues. The body actually constituted proved, however, to be too weak and ill-constructed to fulfil this noble function.

Ilbert ch 3 §§ 3-17, 20, 22-4, 28, 31-2, 80, 83, 89, 90, 94-5.

CHAPTER V.

PROVINCIAL ADMINISTRATIONS.

§ 21. *Centralisation and Deconcentration.* John Bright spoke of India as being "twenty nations speaking twenty languages." He ridiculed and he denounced the system by which India was governed as inherently incapable of producing good results: "what would be thought," he asked, "if the whole of Europe was under one Governor who knew only the language of the Feejee Islands, and that his subordinates were like himself, only more intelligent than the inhabitants of the Feejee Islands are supposed to be?" His remedy was decentralisation. He proposed "at least five Presidencies in India perfectly equal in rank. The capitals of those Presidencies would probably be Calcutta, Madras, Bombay, Agra, and Lahore."

Each Presidency was to be treated as a State by itself, "having no connection with any other part of India, and recognised only as a dependency of this country. The Government of every Presidency should correspond with the Secretary for India in England. I shall no doubt be told that there are insuperable difficulties in the way, and I shall be sure to hear of the military difficulty. Now, I do not profess to be an authority on military affairs, but I know that military men often make great mistakes. I would have the army divided, each Presidency having its own army; and I see no danger of any confusion or misunderstanding, when an emergency arose, in having them all brought together to carry out the views of the Government."[1] These ideas could not prevail at the time. The changes thus recommended were too radical to be undertaken just after a cataclysm like the Mutiny, when the primary duty was obviously to bandage and heal the gaping wounds, remove the cause or causes immediately and directly responsible, and restore the old order. But Bright rendered a great public service all the same in pointing out in his own inimitable way that one of the cardinal vices of the old order was over-centralisation. British India had grown up rapidly by a process of accretion beginning originally at three nuclear points quite distinct from one another, Bombay, Madras and Calcutta, with three separate armies and three administrations, similar in organisation and co-equal in status. But by 1772 the great evils inherent in such an arrangement had become manifest. If the East India Company was to prosper, if it was even to preserve what it had seized, the three presidencies had to be made to follow an identical policy and maintain an identical attitude towards the princes and people of India. And the presidency of Fort William had outstripped the others in territory and in resources. It was, moreover, far safer from hostile attacks and combinations than the other two. The

1 *Speeches* in the house, 24-6-1858 and 1-8-1859.

Regulating Act was the first step in centralisation and it made Fort William the seat of the supreme British authority in India. Every subsequent enactment increased its supervision, direction and control of the sister presidencies. In the meanwhile, however, the presidency of Fort William itself became overburdened with an unwieldy mass of territories. The administration of the whole of Northern India and of districts in the East lying beyond the Indian frontier from one single centre and under the detailed control of a single individual was a physical impossibility. The first idea to suggest itself was to carve one presidency out of "Bengal," and make of it an administration like those of Bombay and Madras, leaving the rest of the Bengal territories under Fort William. But a new presidency would have been more expensive; the creation of a fourth army and a fourth civil service would to that extent have reduced the power and prospects of the Bengal establishments. So decentralisation was given up; deconcentration was resorted to instead. The N. W. P. was separated from Bengal, but merely as an administrative unit; at the head of it was placed a senior Civilian with the title of Lieutenant Governor, whose status and powers were kept inferior to those of the Governors-in-Council at Madras and Bombay. Eighteen years later, Bengal proper was similarly made another distinct administrative unit, and placed under another Lieutenant Governor. These precedents were followed in later cases also. All the same, centralisation also went on apace, though in other ways. Railways, Post and Telegraphs, and Customs became great departments under the Government of India covering the whole country. The supervision, direction and control of the presidency governments by the central went on increasing through Commissions and reorganisations; cadres became fixed for every branch of the administration, and codes and regulations minutely provided for details; even the three armies were consolidated into one; and by the end

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of the nineteenth century, the presidencies practically lost all initiative and independence. Lastly, anarchist outrages began in India soon after the bubonic plague made its first appearance in the Bombay presidency, and in the measures that have had to be taken in consequence for the preservation of peace and order, some made possible by means of new legislation, others taken in virtue of powers which the government had possessed from an early date, the presidency governments have had little freedom either in choosing a policy of their own or even in the executive application to local cases and situations of the policy forged for India as a whole by the central government. Thus has evolved in the course of the period from 1858 to 1920, a great over-centralised bureaucracy, with its chiefs reigning over the length and breadth of the land from their secretariat at Simla and Calcutta upto 1911, and at Simlâ and Dehli since. This is the real government of India in India. Governors and Governors-General have indeed come out to India at regular intervals, nor has there been any amongst them, who when starting for India was not inspired by some ideals and ideas and hopes and dreams. They have come and placed themselves at the head of this complex organisation for a period of about five years. And now and then circumstances have favoured a particular individual, or he has succeeded by native vigour in asserting himself, and there has been in consequence a noticeable personal touch for the time in the action of the gigantic machinery. Such incidents, however, have not been frequent, and, in any case, the historian summing up an era can have no hesitation in treating them as exceptions. He knows that such deflections are not at all unnatural where the entire machinery is made up of as well as worked by human beings. And he feels quite confident that he is doing no substantial injustice to these exalted personages in asserting, that although India has throughout this period been ruled in their name, it has really been governed for the most part

by the giant bureaucratic machine. And the system has been too strong even for the strongest of its titular heads. The vice of centralisation pervades it through and through and to an extent far greater than in 1858 when Bright first noted and denounced it. The only efforts in the contrary direction have been to set up local self-government for each town and district, and to hand over the administration of certain departments-of course, to be carried out according to strict rules-altogether to the provincial administrations, in order that they might obtain a larger income at a lower cost, and thus have a surplus of their own to deal with as they pleased,—not, of course, absolutely at their own discretion, but according to rules. But the extent and history of these efforts at deconcentration will be dealt with in later chapters.

§ 22 *Fifteen Provinces.* Let us, at the cost of some repetition, set down in chronological order, the beginning of each provincial administration, and the vicissitudes of status it has passed through. From 1912 to 1920 British India has been subdivided into fifteen provinces as under:

Three Presidencies: Madras, Bombay and Bengal.

Four Lieutenant-Governorships: The United Provinces of Agra and Oudh, generally called by its short title U. P., the Punjab, Burma, and Behar and Orissa.

Eight Chief-Commissionerships: Ajmer-Merwara, Coorg, the Andaman and Nicobar Islands, the Central Provinces or C. P., British Baluchistan, the North-West Frontier Province or N. W. F. P., Assam, and Dehli.

I *The Presidencies.* The East India Company's factory at Madras was a mere agency until it was raised to a presidency in 1653. The island of Bombay, ceded by Portugal to Charles II on his marriage with the Infanta Catherina (1661), was handed over to the East India Company in 1665, and the Presidency of Bombay begins really from this date, although we find that the first

"Governor of Bombay" had been appointed as early as 1662. The "Presidency of Surat," which had begun from 1612-3, gradually sank into a subordinate position. The Bengal factories began in subordination to Madras. They were raised into a separate presidency with the headquarters at Calcutta in 1707. The Regulating Act of 1773 (§ 9), made Madras and Bombay subordinate to Bengal, and the Governor and Council at Calcutta were raised into the "Governor General and Council of the Presidency of Fort William in Bengal." The Charter Act of 1833 (§§ 39, 41), changed the title into the present one of the "Governor General of India in Council."

The present boundaries of the Madras Presidency practically date from the time of Lord Wellesley, when on the fall of the brave Tiger of Mysore during the storm of Shriranga-pattanam (May 4, 1799), a large portion of his dominions was annexed, and on the death of Umdat-ul-Umra, Nawab of the Karnatak (1801), his territories also were brought under the direct administration of the Company. Chengalpat District had been acquired as a *jagir* in 1763, the Northern Circars had been acquired by a firman from the Mogul Emperor in 1765 and again by a treaty with the Nizam a little later, but full dominion over them was not obtained till 1823. The territory of the Nawab of Karnul was annexed in 1839.

The Bombay Presidency was built up more gradually. Sindh was annexed in 1843, Aden in 1839, and the other parts of the Presidency had all become British by 1818 as the result of the various wars and treaties with the Marathas.

The Company obtained a clear title over the "lower provinces," when the Mogul Emperor granted to them the Diwani. Benares was annexed in 1775, Orissa and several districts in the north-west in 1803, and Assam, Arakan and Tenasserim in 1826. The Charter Act of 1833 provided for a new Presidency of Agra to be separated from

"Bengal." This was altered in 1835 into an authority to appoint a "Lieutenant-Governor of the North-Western Provinces" and a "Deputy Governor of Bengal." But this last provision was altered again by the Charter Act of 1853 (§ 15), which authorized instead the appointment of a "Lieutenant Governor of Bengal." Thus there were lieutenant-governors at the head of the presidency of Bengal from 1854 to 1911. In area and population it was too extensive a charge for a single administration. But nothing was done until in 1905 Lord Curzon turned it into two lieutenant-governorships. His arrangement, however, not only cut the Bengali nationality into two, but also yoked each of the two sections with a backward and more numerous population. The Muhammadans and Assamese were in a permanent majority in the new eastern province called Eastern Bengal and Assam, and the Biharis and Ooriyas similarly outnumbered the Bengalis in the western section. Such a partition necessarily gave birth to an unprecedented agitation,[1] and it was given up at the Coronation Durbar on the 12th December 1911, when H. I. M. King George V announced that—

on the advice of Our Ministers tendered after consultation with Our Governor General in Council, We have decided upon the transfer of the seat of the Government of India from Calcutta to the ancient Capital Dehli, and simultaneously and as a consequence of that transfer, the creation at as early a date as possible of a Governorship for the Presidency of Bengal, of a new Lieutenant-Governorship in Council administering the areas of Behar, Chhota Nagpur and Orissa, and of a Chief-Commissionership of Assam, with such administrative changes and redistribution of boundaries as Our Governor-General in Council with the approval of Our Secretary of State for India in Council may in due course determine.

Thus the presidency of Bengal as we know it now only came into existence on the 1st of April 1912.

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1 See E. S. Montagu's vigorous criticism of the Curzonian partition :— speech at Cambridge, 28-2-1912, and speech in the house on the Govt. of India Bill, 22-4-1912.

II *The Lieutenant-Governorships.* The most senior of these is that which is now known as U. P. It was first constituted in 1836 under the Act of 1835 mentioned above. When Oudh, annexed in 1856, came to be added to it (1877), the original name of the "North-Western Provinces" was changed to the "North-Western Provinces of Agra and Oudh." The present name dates from 1901, when Lord Curzon created a new province beyond the Punjab called the North-West Frontier Province.

The Punjab was annexed in 1849 and placed by Lord Dalhousie under a Board of Administration. This soon gave place to a single Chief Commissioner. After the mutiny Dehli was separated from the N. W. P. and added to the Punjab, and the province was placed under a Lieutenant Governor from 1859.

Arakan and the Tenasserim coast were annexed by the treaty of Yandabu (1826), Pegu and Martaban were annexed in 1852, and these provinces of Burma were formed into a Chief-Commissionership from 1862. Upper Burma was annexed in 1886, and eleven years later the entire Burmese territory on the eastern frontier of British India was constituted into the province of Burma and placed under a Lieutenant Governor.

The circumstances under which the Lieutenant-Governorship of Behar and Orissa came into existence in 1912 have already been indicated above.

III *The Chief-Commissionerships.* Whenever territory was conquered or otherwise acquired it was natural to provide for its administration by annexing it to one of the three presidencies. But in this way the presidency of Bengal grew altogether unwieldy. Lord Dalhousie's expedient was to constitute a Board of Administration for each new accession of territory. And such a board was soon after replaced by a single head called a Chief Commissioner. An Act passed in 1854 expressly empowered the Governor General in Council with the

sanction of the higher authorities in England to take any part of British India under his direct authority and management and provide for its administration in any suitable manner (§ 3). And the Indian Councils Act, 1870 (§ 1), expressly refers to the heads of such provinces by name as Chief-Commissioners. The administrative organisation of this type of province in British India has thus a sanction in parliamentary legislation of the same character as the two higher types of provinces, under a lieutenant governor, or under a governor in council. Dehli was the last of these Chief-Commissionerships to be constituted. The announcement at the coronation durbar of the transfer of the capital of British India from Calcutta to Dehli has been quoted above. The motive for the change was no mere desire for something spectacular and striking to mark the unique event of H. I. M. the King's visit to India. Lord Hardinge's Government were firmly convinced that steady political progress in India at the pace and in the direction desired by a rapidly awakening people, would necessarily bring about the transformation of the Indian constitution at no distant date into a federation, the provinces becoming representative governments all but autonomous in provincial matters, and the Government of India standing a head and shoulders above them all, maintaining its supremacy as well as its impartiality unimpaired in all matters of pan-Indian and Imperial concern. [1] The emancipation of the Government of India from all merely provincial and local influences was thus a cardinal factor of their policy. Dehli and a few hundred square miles of territory were

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1 The Coronation Durbar Despatch, 25-8-1911; Lord Crewe's reply, 1-11-1911. Compare also the speech of E. S. Montagu (then under-S. of S. for India) at Cambridge, 28-2-1912; as he says the despatch shows "the general lines of our future policy in India", "the goal, the aim towards which we propose to work–not immediately, not in a hurry, but gradually."

therefore separated from the Punjab [2] and given the status of an independent province from the 1st October 1912.

The Chief-Commissionership of N. W. F. P. arose out of the necessities of frontier policy. The Mohmands and Afridis, the Orakzais Waziris and Mahsuds, and the other fierce and barbarous tribes inhabiting the No-Man's Land on our borders from the Gomal Pass in the south to Kashmir in the north, crossed over into British territory every now and then, for loot or vendetta or mere fun. The unscrupulous gun-running traffic which European greed carried on more or less surreptitiously with Muscat and other places on the Oman and Mekran coasts, gave them a plentiful supply of modern arms and ammunition. The annexation policy of the Forward School might have provided a permanent cure for this evil, only, it was too costly a policy for any responsible government to adopt. On the other hand, the Masterly Inactivity Policy of the other school of frontier experts could not possibly be always adhered to, in the face of repeated affronts and raids. Every now and then, moreover, the entire frontier would be in a blaze, and a government that really wanted nothing better than to concentrate itself on problems of famine and plague, railways and irrigation, education and internal development, and had no earth-hunger or blood-thirst whatever, would still be driven to leave all aside for the moment, and undertake a large scale expedition. This compromise between the two policies just mentioned, came to be known as the Hit and Retire Policy. The tribes would be bled more or less profusely every now and then, all their arms would be seized, and peace would be reestablished on the frontier for a time. But only for a time. The plucky barbarians recovered with amazing rapidity, and the whole series of incidents and events

2 The area taken from the Punjab—528 sq. m.; from the U. P., 45 sq. m.

would begin once more and march on again to the inevitable catastrophe of another punitive expedition on a large scale. How to escape this round, is one of the most urgent problems of British Indian high policy. The Chitral (1895) and Tirah (1897) expeditions, especially, necessitated a departure on fresh lines, if only as an experiment. The frontier districts were separated from the Punjab and constituted into the N. W. F. P. (1901), and a policy of economic penetration by irrigation, light railways and the expansion of trade has been steadily pursued. "Production without possession, action without self-assertion, development without domination,"[3] until the savage outgrows his savagery, is indeed a panacea for all intercourse between people in different stages of civilisation, provided only that the people believing itself higher in civilisation was capable of practising the principle steadily with absolute sincerity and selflessness.

The remaining Chief-Commissionerships need not detain us long. They were merely the outcome of conquests or acquisitions of territory in other ways. Whenever any new territory could not be conveniently attached for administrative purposes to one of the presidencies or lieutenant-governorships, it was natural to provide for it as a chief-commissionership by itself. Thus Ajmer-Merwara was constituted in 1818, Coorg in 1834, the Andaman and Nicobar Islands in 1858, and British Baluchistan in 1887. Assam, annexed in 1826, was separated as a chief-commissionership from 1874. At Lord Curzon's partition (1905), it was merged in his eastern province. But, as has been noted above, it became a chief-commissionership again from 1912. Lastly, C. P. includes contiguous territories annexed in 1818 and 1854, with two districts added from the N. W. P. in 1861, when it was raised to the status of a chief-commissionership; and Berar—under British administration since 1853, but as a separate unit—has been attached to it from 1903.

3 This is one of the aphorisms of Lao. Tzu, the Chinese philosopher statesman.

Some of the minor Chief-Commissioners have other duties also. Thus the C.–C., N. W. F. P., is also Agent to the Governor-General (A. G. G.) for political relations with the frontier tribes between British India and Afghanistan. The C.–C., Ajmer–Merwara, is also A. G.G. for Rajputana. The C.–C., British Baluchistan, is also A. G. G. for Baluchistan. The C.-C., Coorg, is also the Resident at Mysore. And the C.–C., Andaman and Nicobar Islands, is also Superintendent of the penal settlement at Port Blair.

§ 23 *Area and Population.* In the annexed Table opposite the provinces with a population under one million are not entered. On the other hand, the Native States with a population of one million or more are entered. And as statistical comparisons are often paraded between India or some Indian province and some other country, the right half of the Table gives the area and population of the principal members of the British Empire and of some other prominent countries and empires.

§ 24 *Governors, Lt.—Gs., C.–Cs.* As Governors-General and Governors have been chosen persons of high rank and some experience of public life, either in parliament or in the diplomatic or colonial service of the Crown. Out of the fourteen Governors-General from Canning to Chelmsford Sir John Lawrence alone had previous Indian experience as a civilian who had risen rapidly to the highest posts. There have been more Indian civilians and soldiers as Governors at Madras and Bombay; but none out of that class has been appointed even as a Governor for the last forty years. The Lieutenant-Governors and Chief-Commissioners, on the other hand, have all been Indian civilians. Their appointment is not-like that of a Governor General, Governor, or member of the executive council–by warrant under the Royal Sign Manual. Even the Lieutenant-Governors do not correspond with the Secretary of State, and the Chief-Commissioners are merely agents of the Governor General. It

U. P.
Bengal
Madras
Behar a
Punjab i
Bombay
C. P. an
Burma
Assam
N. W. F.
British I
India
Muhamn
Native S
Hyderab
Mysore
Travanc
Kashmir
Gwalior
Jaipur
Jodhpur
Baroda
Rewa
Patiala
Udaipur
Indore

Name.	Population in 000000	Area in 000 sq. miles.
U. P.	47	107
Bengal	45·5	79
Madras	41	142
Behar and Orissa	34·5	83
Punjab inclg. Delhi	20	106
Bombay	19·7	123
C. P. and Berar	14	100
Burma	12	231
Assam	6·7	53
N. W. F. P.	2·2	13
British India	244·3	1124
India	313·55	1833
Muhammadans in India	66·65	—
Native States	69·25	709
Hyderabad	13·4	83
Mysore	5·8	29·5
Travancore	3·4	7
Kashmir	3·16	84
Gwalior	3·1	23
Jaipur	2·6	15·6
Jodhpur	2·06	35
Baroda	2·03	8
Rewa	1·5	13
Patiala	1·4	5
Udaipur	1·3	13
Indore	1	9·5

Name.	Population in 000000	Area in 000 sq. miles.
Ceylon	4	25
United Kingdom	45·4	122
Egypt	11	350
England	34	51
Afghanistan	6†	250†
Canada	8	3730
Union of S. Africa	6	473
Australian Comm.	5	2975
Rhodesia	1·6	439
New Zealand	1·1	105
Br. Emp.: White Popln.	60††	—
Br. Emp.: Grand Total	440	12755·5
Br. Emp.: Muhammadans	80·5††	—
Muhammadans in the World	300†	—
United States	93·4	3575
Philippine Isles	9	120
Japan	53	149
Jap. Empire	74	261
France	39·6	207
French Empire	80·6	4746
Italy	34·7	111
Italian Empire	36	702
The Netherlands	6	12·6
Dutch Empire	54·4	794
China Proper	300†	1532
Nepal	5†	54†

NOTES.

† These figures are only estimates.

†† For these see L. Curtis: Commonwealth of Nations, Part I. The total for Muhammadans in the Br. Empire does not include the African Muhammadans in Nigeria, East Africa, Gold Coast, etc.

The Indian figures are from the fifth Decl. Report on Moral and Material Progress and Condition, 1913, embodying the population figures of the 1911 Census.

The rest are pre-War population and area figures, as near to 1911 as possible.

Ind. Admn. to Dawn of Responsible Govt.: to face p. 111.

was only by the Government of India Act, 1915 and 1916, that Chief-Commissionerships obtained the status of local governments (§ *134*), although, as a matter of fact, C. P. and Berar is a province quite as important as a Governor's, while the Chief Commissioner of Assam is hardly inferior to a Lieutenant Governor. But these distinctions, petty and anomalous at first sight, wear, perhaps, a new aspect when we look at the matter historically. We have seen that British India grew up by accretion from three nuclear points. A district on annexation would be more or less unsettled. Its administration would have to be, for some time at least, of a semi-military character, and entrusted to energetic individuals armed with plenty of discretion, who must decide quickly and be content with maintaining order and enforcing a rough and ready kind of justice. Local ways and customs, which the people understood and were attached to, must also be allowed to continue in force, in so far as they were not clearly against fundamental principles of humanity or public policy. Out of these obvious needs arose what came to be known as the Non-Regulation system of administration with the Chief Commissioner at its head. As the territory settled down, it became a fresh nuclear point, annexations in the vicinity would be added to it, and while these must for a time be subjected to the non-regulation system, the older and more settled districts would be advanced to "regulation" status, and the whole placed under a Lieutenant Governor. The three presidencies had come to be called 'Regulation Provinces', because, upto the Charter Act of 1833 whatever laws were wanted had been issued as Regulations of the president in council. [1] This power of legislation by regulations was continued even after the single law member of Council (1833) developed into one or more legislative councils. But these regulations were *ex hypothesi* too elaborate and advanced to be applied to

1 Governor General in Council for Fort William, Governor in Council for Madras and Bombay.

new annexations, and, instead, very much simpler instructions coloured to a large extent by local variations were drawn up for the guidance of the district officers. The first districts to be actually called 'non-regulation', were the Saugor and Narmada territories, annexed in 1818; and the name and the system were thenceforward applied to every new annexation until it settled down and was brought under the higher type of administration by laws and regulations.[2] Other peculiarities of the non-regulation system were necessarily connected with the one that gave to it its name. The deputy commissioner at the head of each district held all the reins of power and administration, military, executive, judicial, revenue, police, excise and customs, public works, and even education–in his single hand; military officers were freely employed as deputy commissioners and in other civil capacities; and in the subordinate services the separation of departments or even of the judicial duties from others was not carried to the same extent as in the regulation provinces.

Ilbert ch 3 §§ 37, 49, 55-6; ch 2 pp 141-2.

§ 25 *Districts and Divisions*: *Administrative Departments*. The unit of administration in British India is the DISTRICT. Several contiguous districts are combined together to form a DIVISION, and, on the other hand, large districts are subdivided for administrative convenience into *taluks*, *tahsils*, or *mamlats*. There are nearly two hundred and seventy districts in British India. In the Bombay Presidency, Bombay City and Aden[1] are not subdivided; each of them may be called a division by itself. Of the fifteen provinces the three smallest—Coorg, Andamans and Nicobars, and Dehli—are not subdivided. In Madras

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2 *Chesney* pp. 57–9, 63–4, 67–9. *Dalhousie* (Rulers of India Series) pp. 184–9. See also **Temple**, *Men and Events*, chs. 4 & 5; a bright account sufficiently brief of the non-regulation administration of the Punjab by the Lawrence brothers, the best concrete illustration of the system.

1 Transferred to the British Foreign Office, 1919.

the districts are not grouped together into divisions. In Bengal there are no subdivisions of a district smaller than the sub-district.

Many of the districts have the advantage of being geographical, economic, linguistic, ethnic, and historical as well as administrative units; but of course there also are, as there must be in a vast territory like British India, not a few districts which have been artificially created into administrative units, merely from considerations of convenience. And the arrangement arose primarily in response to the administrative needs in connection with the collection of land revenue, the preservation of internal order and the judicial settlement of claims and disputes. These are the three primary *Departments*, which the government of a mainly agricultural country must organise more or less efficiently; its revenue collectors and land surveyors, its police officers and its judges must be distributed all over the country, having their headquarters amongst the people in convenient centres, from which they could tour about each in his beat, or to which the people from the surrounding area could easily resort. And these central capital towns with their district areas once established, if the government undertakes other functions which it desires to perform steadily, systematically and uniformly for the entire population, the new departments thus arising also follow the same pattern, as far as possible. But, obviously, it is not at all possible for some departments. The income from land revenue and from such properties as the State possesses is rarely enough to meet all needs; one of the easiest modes of supplementing it is to tax imports and exports; and this function has to be performed at the frontiers, as the goods are entering into or leaving the country. The customs officers must thus be located at the frontiers of the State and in direct subordination to the central executive. Railways and posts and telegraphs are other departments which it is better to direct and control centrally. For although the operations

of the first penetrate into many districts and those of the second into all, they are, so to speak, so elementary and simple in character, the efficiency and economy of their administration gains by direction and control from one centre and does not suffer at all by mere distance from that centre, however great. The departments of Forests, Irrigation works, and ordinary Public Works stand on a different footing. Forest areas are not equally distributed throughout the land, nor are irrigation facilities. A province may have so little of either that it would be unnecessary to divide the work into many divisional charges or to subdivide every one of the latter into district charges. In these cases both the divisional aud district charges would have to be fewer in number and larger in area than the divisions and districts of the other departments. Or the work of either department, but not of both, may be as heavy almost in every district as that of the ordinary department; thus, Burma is a forest province, while the Punjab is a province of canals. Or, thirdly, the irrigation work in an entire province or in any large portion of it may be comparatively less exacting, and in such cases it could be entrusted as an additional duty to officers of the ordinary public works department, which exists in every province and is organised by way of divisional and district charges, generally coinciding with the districts and divisions of the revenue department.[2] Education and Medical and Sanitary Administration are other important departments which adhere to the district and division arrangement in their organisation. Thus a model district in British India, would have revenue, judicial, police, medical, educational and engineering officers stationed and working in it under the supervision of the higher divisional officers and the highest provincial authorities. It would also have post and telegraph officers working under the supervision of the

2 In N.W.F.P. and British Baluchistan military public works preponderate, and the civil public works are entrusted to the military works officers.

Government of India officers of the department, and it might or might not have residing and working in it officers of the Railway, Forest, Customs, Army, and other departments, according to circumstances.

§ 26 *The Services.* Indian youth of the literary castes took to English education with a will the moment it was introduced and the numbers with a fair knowledge of the language and literature of the rulers as well as of modern subjects acquired through that medium increased rapidly. The wonderful application aud receptivity of the students acted upon the teachers and upon the administrators and promoters, and both the quality of the instruction provided and the solidity and excellence of the attainments acquired, at least in some subjects, went on improving at a rapid pace. As Sir Henry Maine remarked of this first generation of Indians who had surrendered themselves body, mind, heart, and soul to the influences of Western culture in the true spirit of Eastern discipleship, "the thing must be seen to be believed. I do not know which was the more astonishing, more striking—the multitude of the students, who if not now, will soon be counted not by the hundred but by the thousand; or the keenness and eagerness which they displayed. For my part, I do not think anything of the kind has been seen by any European University since the Middle Ages."[1] The employment of qualified Indians in government ser vice in posts of comparitively superior responsibility and emoluments began with Bentinck. Hardinge placed the action of the administration upon a definite principle. "The Governor General having taken into consideration the existing state of education in Bengal, and being of opinion that it is highly desirable to afford it every reasonable encouragement by holding out to those who have taken advantage of the opportunities afforded them a fair prospect of employment in the Public Service and

1 At the convocation of the Calcutta University, 1866.

thereby not only to reward individual merit, but to enable the State to profit as largely and as early as possible by the result of the measures adopted of late years for the instruction of the people, as well by Government as by private individuals and Societies, has resolved that in every possible case a preference shall be given in the selection of candidates for public employment to those who have been educated in the institutions thus established, and especially to those who have distinguished themselves therein by a more than ordinary degree of merit and attainment."[2] And to raise the quality of the education as high as possible in all directions and to standardise it the establishment of a University was proposed as early as 1845.[3] Sir Charles Wood's despatch of 1854 and the foundation of the presidential Universities followed in due course. As the departments indicated in the preceeding section came to be started extended and progressively improved, the forecast of the Directors in 1834, quoted on a previous page, that "practically, perhaps, no very marked difference of results will be occasioned," ceased to apply. The number of Indians in government employment increased and they came to be appointed by promotion or by direct selection as tahsildars (mamlatdars) and deputy assistant collectors (extra assistant commissioners), fojdars and inspectors, munsiffs and subordinate judges, engineers, district forest officers, headmasters, deputy inspectors and lecturers, and to equivalent grades in almost all the departments. Gratitude, it has been said, is appreciation of benefits small and great, actually received; loyalty, the anticipation of substantial benefits to come; nor is the

2 Resolution of the 10th October, 1844.

3 By Mr. C. H. Cameron, President, Council of Education, Calcutta. His proposal is dated the 25th October. Extracts from it and from the opinions on the subject recorded by the Select Committees of the Lords and the Commons, 1852-3, will be found in Saiyed Mahmud, *History of English Edtn. in India, 1781-1893*, ch 16. See also H. R. James *Edtn. and Statesmanship in India*, 1797-1910, ch. 6.

philosophical analysis presenting these results to be altogether condemned as presenting too mean or one-sided a view of human nature. It all depends upon the character of the benefits contemplated. These need not always be of a purely materialistic type. To seek to elevate one's mother country to a high level of prosperity and civilisation; to look upon the decision of stricken fields as the judgment of over-ruling Providence, to grasp fully and firmly both the halves of this double concept of a Divine Judgment—as a deserved punishment to us for our sins, as *our* Karma (कर्म), and as a no less deserved reward to the victors, as *their* Karma; to judge the paramount power and its agents by the best actions and the best thoughts and aspirations of their best representatives; to accept their professions about working for the prosperity and civilisation of this country as genuine, nay, as inspired, and as doing them infinite credit; to accept their diagnosis of our downfall, at least as a working hypothesis; to exhibit the cosmopolitan fraternality (भ्रातृभाव) and wide toleration of Hindu culture at its best by refusing to misunderstand even the excesses of proselytising zeal; to accept the missionaries in spite of their narrowness and prejudices as sincere and active friends and as helpful checks upon the greed, cruelty and assertiveness natural to politicians and soldiers armed with unlimited power in a land bleeding and prostrate; knowing that half-hearted service was worse than none and that sullen non-cooperation was worse than disloyalty open, active and manly, to serve every representative of the ruling power fully and faithfully in any and every capacity, however servile; and, finally, to apply themselves with all their might to English education and social reform, the purification of religion from superstitions and from corruptions, the removal of caste and local prejudices and limitations, the creation of a public opinion on public questions, and the training up of the people in the adoption of constitutional methods for the

removal of grievances and the progressive improvement of their position from the status of conquered subjects to that of equal citizens: these were the ideas which animated the best Indians of that generation: these were the ideas which enabled them to sow the seeds of Modern India. The motives and actions sprouting up out of a thought-bed of this description cannot be classed as mean or self-centred or materialistic or servile or denationalised. To suppose that these men, our grandfathers, merely pocketed their higher salaries and fees, that they merely caught the vices and rudeness of the unwashed sections of Anglo-Saxon humanity, that they merely learned from the foreign tyrants above them how to tyrannise more oppressively over their own countrymen below them, and to question either their warm sentiments of loyalty to the British Raj, or the strong bonds of sympathy that grew up between them and the best of the local representatives of that Raj, is to be altogether blind to recorded history, or to discolour it most unjustifiably by the violent prejudices and passions of to-day.

Raja Ram Mohan Roy, Lord William Bentinck and their contemporaries created a tradition of mutual sympathy between England and India which passed on as a legacy to the next generation. The excesses of the Mutiny months, excesses quite as inhuman on one side as on the other, gave it a rude shock. But the almost uniformly firm and noble behaviour throughout that extremely trying period of a few men in the highest positions, like Lord Canning, made it easy for India to forget and to forgive; and the hand of fellowship so graciously extended by England's Queen, a lady whose every word proclaimed her a woman pious, humane, loving, and loyal to her own conception of her duty, was eagerly and most gratefully and humbly clasped by all India. The first occasion for suspicion and disquietude arose soon after. The Indian Civil Service Act, 1861, made the covenanted service a close service and enumerated the highest civil appoint-

ments below the rank of members of the executive council and upto the grade of assistant collectors in the regulated provinces, as reserved for those only who were successful in the open competitive examinations held annually in England under such rules and regulations, as were drawn up by the examination commissioners, approved by the Secretary of State in Council, and not disallowed by parliament. The men selected were placed on a list in order of merit; they were to stay on a year in England studying Indian subjects and were encouraged to spend the period at a university; then they were examined in these subjects and arranged in a final list according to merit. The Secretary of State in Council ceased to have anything to do with their appointment to particular posts or places in India. The selection being made on the result of an open examination, and the subsequent posting and promotions being left to Indian authorities, patronage, jobbery, and political or party bias of every kind were completely excluded. The subjects for examination, the standard for each, the age limits, and other conditions were so arranged and altered from time to time, as to secure "men who had received the best, the most liberal, the most finished education"[4] available in England. And not satisfied with the express provision that the scheduled posts were reserved for these 'competition-wālāhs', parliament also provided that if under exceptional circumstances the authorities in India had to give any of these posts to an outsider, the appointment could only be a temporary one, the India Office were to be informed about it at once, and if they did not approve of it within twelve months, it was to be taken as cancelled (§ § 2–3). Thus on the one hand the highest legislative authority had ordered that no Indian was to be excluded from *any* government post in India by reason only of his being an Indian, and, on the other hand, as soon as the educational qualifications possible to Indians in India, began to approach English university

4 *Strachey*, ch. 6.

levels, the same authority ordered again that assistant collectorships, assistant sessions judgeships, and higher posts were strictly reserved for those only who competed within rigid age limits and against the best talent of English universities. This was, as some of the best English statesmen and administrators themselves felt, 'evasion,' 'cheating,' 'stultifying the Act and reducing it to a dead letter,' 'breaking to the heart the words of promise uttered to the ear'.[5] The only real remedy was to repeal these sections of the Act of 1861, tear up the schedule, and hold the competitive examination in India alone or rather in India as well as in England. And if this last course had been adopted, the progress of the Indian universities would have been accelerated from that moment, and they would have become in a short decade or two amongst the best universities in the world, so that it would have ceased to be necessary to import many experts into India from outside. The industrial and economic progress of India would also have been accelerated to an incalculable extent. This course however was not adopted. The practical effect of the steps actually taken was that, as India realised more and more fully the determination of England not to move in this matter beyond a certain point, she felt that the generous promise of the Charter Act and the Queen's proclamation had been torn up instead. This sore feeling did not remain unnoticed; and remedies were attempted. The first was the Government of India Act, 1870,[6] which recognised

5 The expressions quoted were actually used by Lord Lytton in a note on a confidential despatch of the Government of India to the Secretary of State, May 30, 1878.

6 The East India Associations, founded by Dadabhai Naoroji in England, with affiliated branches and associations in India had presented a memorial to the Secretary of State on the subject in 1867, asking for simultaneous examinations and for scholarships to promising young Indians to enable them to obtain the highest education in England. In 1868 Mr. Fawcett had moved a resolution in the Commons for simultaneous examinations at London, Calcutta, Bombay and Madras. The first Gladstone Government had come into power, December 1868, with the Duke of Argyll as Secretary of State for India.

the expediency of providing "additional facilities for the employment of natives of proved merit and ability" in some of the posts reserved for the covenanted service, subject to rules framed by the Governor General in Council and sanctioned by the Secretary of State in Council. The rules were made by the Government of India, after repeated pressure from the Secretary of State, in 1879, and thus came into existence the Statutory Civil Service, appointments to which were made for ten years. The experiment proved ill-starred. It could not satisfy Indian public opinion; the C. S. treated it as a poor relation is usually treated by the upstart rich; the men appointed were themselves too few and heterogeneous and scattered, nor had the service sufficient time given to it to develop a tradition and an *esprit de corps*. A fresh start was made on different lines. The Government of India appointed a Public Service Commission in 1886 with Sir Charles Aitchison as president. The result was that Government service was split up in most departments into Imperial, Provincial, and Subordinate: and recruitment to the first of these was to be through examinations in England, from the most important of which Indians were excluded either by a racial bar, or almost excluded practically by the rules and regulations under which they were held.[7]

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7 To the examination for the superior posts in the Police Department held in England from 1894, no one was admitted except British subjects of European descent. Cooper's Hill College was established in England, and from 1872 to 1906 men came out from it to fill the higher appointments in the Public Works, Forest, and allied departments. India paid the net annual cost of the institution. Yet Indians who could not lay claim to European descent had difficulty in obtaining admission, and of the total annually selected from it for service in India, the number of Indians was not to exceed a small percentage. Besides, because Cooper's Hill supplied so many, and so many of the other higher posts were to be filled by Royal Engineers, and still others were treated as merely temporary posts outside the cadre, which were filled by Europeans and Anglo-Indians selected locally; only a very small number fell annually to the share of the Colleges at Rurki, Bombay, Sibpur, and

ee page 126)

This system came into force from 1895 and has been maintained since to the end of the period under review. The justification advanced for it on behalf of the privileged services by themselves and their admirers, amongst whom might be included more than one Governor General, has been briefly noted already in an earlier section. But perhaps it would be better to give it here in the words of one of themselves. "Let there be no hypocrasy," writes Strachey, "about our intention to keep in the hands of our own people those executive posts–and there are not very many of them,—on which, and on our political and military power, our actual hold of the country depends."[8] Secondly, "although this system [of competitive examinations] has, on the whole, worked well with Englishmen, it is open even with them to objections and drawbacks, and to think of applying it to the natives of India is nothing less than absurd. Not the least important part of the competitive examination of the young Englishman was passed for him by his forefathers who, as we have a right to assume, have transmitted to him not only their physical courage, but the powers of independent judgment, the decision of character, the habits of thought, and generally those qualities that are necessary for the government of men, and which has given us our empire."[9] Thirdly, "I must not say this of Englishmen only, for it is also, in a great measure, true of the more vigorous races of India, although their time has not come for competitive examina-

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(Concluded from 125)

Madras. The age limit for the I. C. S. was reduced in 1876 from 21 to 19; this change materially reduced the chances of success of competitors from India. The age limit for the I. M. S. was 27, which was too high for Indians. One reason why young Indians going to England for education came back to India intensely discontented and with their faith in British justice almost shattered, was that all such facts relating to every Government department were constantly brought before their eyes by their Indian fellow students in England from all parts of India, pursuing various lines of study.

8 p. 547.

9 p. 544.

tions."[10] "To suppose that the manlier races of India could ever be governed through the feebler foreigners of another Indian ceuntry, however intellectually acute,—that Sikhs and Pathans, for instance, should submit to be ruled by Bengalis—is to suppose an absurdity."[11] And, fourthly, the peace established in India is the English peace. "The English in India are the representatives of peace compelled by force. The Muhammadans would like to propose to every one the alternative between the Koran, the tribute, and the sword. The Hindus would like to prevent a low-caste man from trying or even testifying against a Brahman; and Muhmammadans, and Hindus and Sikhs would all alike wish to settle their old accounts and see who is master. No country in the world is more orderly, more quiet, or more peaceful than British India as it is; but if the vigour of the Government should ever be relaxed, if it should lose its essential unity of purpose, and fall into hands either weak or unfaithful, chaos would come again like a flood."[12]

Even while Sir John Strachey, Sir James Stephen and their autocratic fraternity were piecing together this defence of a system that was to them as the breath of their nostrils, the system itself was being profoundly altered by forces which could not be foreseen, still less counter-acted. We will go into that in a moment. Let us first complete our account of these services from the district and divisional authorities upwards to the provincial executives at the summit. These higher grades were filled exclusively by the *corps d'elite*. The young Englishmen selected from the institutions and by the methods indicated above were first posted as assistant collectors, assistant sessions judges, assistant superintendents of police, civil surgeons,

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10 545.

11 p. 548.

12 P. 557. This is a quotation from Sir James Stephen with which Strachey concludes his book. I transcribe it condensed.

assistant district engineers, headmasters, and to similar appointments in all the other departments, and rose step by step each in his department. Almost every one rose some steps. The best rose continuously until they ended at the top of the tree, the revenue men as members of council, or chief commissioners, or lieutenant governors, a few of them even becoming on their retirement, members of the Secretary of State's council, or—the luckiest of them, governors at Madras or Bombay. Now, the intermediate grades of this official ladder of honour and advancement may be skipped. It would be sufficient for our purpose to attempt a brief statement about the provincial SECRETARIATS and HEADS OF DEPARTMENTS, and, moreover, to confine it to the nine larger provinces only; Dehli, Ajmer-Merwara, Andaman and Nicobars, and Coorg are too small to offer a scope for any elaborate administrative structure; British Baluchistan and N. W. F. P. have been and will long remain frontier provinces, where the ruder non-regulation system of administration must not be reformed in a hurry. They are out-posts, rather than integral parts of India. Assam has a secretariat of three persons, one being the secretary for the Public Works; an Inspector-General of Registration and a Director of Land Records and Agriculture are at the head of the revenue department; an Inspector General is at the head of the police department; a Sanitary Commissioner at the head of the medical and sanitary; a Director of Public Instruction is at the head of education; and there also are a Senior Inspector of Factories and a Legal Remembrancer. The other provinces also have Directors of Public Instruction and Inspectors-General of police; and Legal Remembrancers, though these officers are not known everywhere by the same title. But in all the other arrangements there are variations. The Medical and Sanitary Department is under two men in some provinces but under three in the majority, who are styled, Inspector General of Prisons, Sanitary Commissioner, and Inspector General of Civil

Hospitals or Surgeon General. The Public Works Department is under two men, called Secretaries to Government in the P. W. D., or Secretaries and Joint Secretaries, or Secretaries and Under-Secretaries; everywhere they are both working heads and members of the secretariat; or for sections of their work which are directed and controlled from the central government, e. g. Railways, they have the same ambiguous position with reference to their provincial governments and secretariats, that the Railway Board has with reference to the central government and secretariat. The Punjab has three public works secretaries, two being required there for Irrigation. The greatest variations are to be found with reference to the land revenue, survey, customs, salt, opium, and excise departments. We find Directors of Agriculture, Settlement Commissioners, Financial Commissioners, Directors of Land Records, Commissioners of Customs, Salt, Opium, and Excise, Registrars, and Members of the Board of Revenue. The offices are variously combined and no province has all these ten men. Bombay, has four, one for customs. one for salt, opium, and excise, and two for the land revenue. Madras, not having divisional commissioners at all, has seven men, four of them forming a Board of Revenue. Bengal and Behar and Orissa have Boards of Revenue of only one member each, and, respectively, only three and two other officers who divide the rest of the work between them. U. P. has two members of the Board of Revenue, C. P. has a Registrar and a Financial Commissioner, and two other officers; but the U. P. also has six Registrars. Burma and the Punjab have a single Registrar, and four other officers. Lastly, we come to the provincial secretariats. The members are called Chief Secretaries, Secretaries, Deputy Secretaries or Under-Secretaries. And, omitting the Public Works Secretaries, the numbers vary from two in Burma, to five in Bengal and C. P., four in Bombay, and three elsewhere.

Throughout this official hierarchy, from the district upto and including the executive council, the I. C. S. man is the recognised leader and uncrowned king; he is the *guru* (गुरु) whom they all look up to: it is his to tackle problems, read situations, plan policies, solve difficulties; he is the *paterfamilias,* the dādāji (दादाजी) or ājobā (आजोबा),[13] whose slightest look or gesture, whim or failing are noted by the members of the family; he is to be kept informed about every thing, fully, truthfully, and in good time; not a pie can be spent, not a man can be employed, not a suggestion can be offered to the higher authorities, nor can any discretion be exercised in carrying out their orders, without reference to him. The vigour and efficiency, the intelligence and foresight, the tone and sympathy, the popularity and driving power of the administration—such as they are from time to time—are derived ultimately from him. The I. C. S. men are the brains and the will power of the bureaucracy; the I. C. S. men are the government in India. The Secretaries of State, Viceroys and Governors are but short-time figureheads; they come and they go; it is the I. C. S. men who go on for ever.

§ 27 *From generation to generation.* The improvement of the civil service by Cornwallis and Wellesley and the foundation of the Haileybury College have been mentioned in an earlier chapter. The closing of the College and the beginning of the competitive examinations have also been noted. The men who came out to India during the first half of the nineteenth century may be called the first generation of our rulers. The first generation of the competition-wālāhs may be taken to end at about 1880; this for our purposes is the second generation. The third generation came to an end about 1910, with the introduction of the Morley reforms. And we are now in the middle of the fourth generation.

13 Grandfather.

The first generation were the road-makers and the bridge-builders; superstitions and abominations like *thugee* and *sati* and human sacrifices at flood-time and harvest and female infanticide they discovered to be rampant; and they pursued them with the energy of a righteously militant civilisation fighting barbarism.[1] They created the land-revenue and the judicial systems, and knew the people of their district in their various social grades as thoroughly as it is possible for foreigners ever to acquire such knowledge. They were lonely men separated from one another, with little of Europe in their bungalows and their tents. They were exiles in the full sense of the term, but exiles with absorbing occupations which evoked every ounce of faculty and required every second of time, and they lived dedicated lives. If the roots of British rule have gone deep into the soil of India, if mediaevalism be really going to be uprooted hence and to make room for the upgrowth of modernity to a long and vigorous prime, it is they who have created the miracle, their husbandry, their faith, and their devotion. The Stracheys and the Stephens are perfectly justified in their contention to this extent, that but for this first generation modern British India could never have blossomed forth.

The second generation saw the cutting of the Suez Canal and the replacement of the sailing vessel by the steamer, and with these began the invasion of India by the *memsab*. There were of course Englishwomen in India almost from the first, but there were hardly any European homes except at the capitals and the big military cantonments, prior to the sixties of the nineteenth century. And gymkhanas and clubs now invaded the mofussil as well as European homes. The spread of the railways tended more and more to bridge the chasm that in the past had separated the mofussil and the capital, and the vogue began of hill stations and of long and frequent furloughs. Codes came to be drawn up, departments

1 See for a brief account of all this noble work-J. W. Kaye, *Administration. E. I. Co.* (1853), Part IV. ch 2, 3, 4 and 5.

grew up fast, secretariats directed all and wanted to know more than all. The individual was dwarfed, the system throve. The individual was very probably much better educated than in the former generation: but it is certain that his own development through his work and surroundings failed to reach the heights that had been then attained. For a change had come over the spirit of his devotion to his work. Because of the more frequent and quicker intercourse with the outside world, and because of the European homes and clubs he and his wife had set up, his life was fuller and more civilised than had till then been possible in India. But his discontent with it was the more poignant. The exiles, his predecessors, who were exiles indeed, grasped that fact as part of their fate, and so rose superior to it. Their work obtained the full measure of devotion possible for a human being to bestow; and placed as kings over vast masses of alien populations, they conducted themselves as kings indeed. These successors of theirs, on the other hand, just because there was already so much of European in their daily life, wanted to have still more of it, and were discontented because they could not have enough. Their work obtained from them only a fraction of their selves. Moreover, they had now to do it more and more as agents under the direction of superiors, and more and more had to be recorded with reasons as well as done, so that more and more of that portion of their time and their self which these men of the second generation gave to their work, came to be given, pen in hand, at the desk. The written record of the work grew in bulk and improved in quality; the departments multiplied, their network became more and more elaborate as it spread over the land; the system grew and improved from the secretariat point of view, until its own logical development and completion became an end in itself, by the time that the Stracheys and the Stephens were in the seats of the mighty at Simla and Calcutta, at the end of the period here assigned to the second generation.

India, too, the field of their work, had begun to throb with new life. The blood-letting of the sanguinary eighteenth century had reduced the poor blind giant to a state of coma. But district after district, as it passed under the British Flag, had rest and peace; the village homes were repaired, the jungle and the wild beasts receded, intercourse between more and more distant parts began at a brisker pace and in larger volume than ever before, security, justice and industry were established on a firmer basis than ever. Education followed; foreign not merely in outward look and form, but foreign through and through to the spirit of Indian culture; preaching the supremacy of the individual conscience, the right as well as the duty of individual action and individual judgment, the dignity of the individual soul; an education mundane, political, democratic; recognising nothing higher than the reason of man and the experience of mankind, and conveyed through romantic art, unsettling philosophy, the triumphs of experimental science, and the history of rebellions. That laws and governments were human contrivances, that they were of primary importance for the life and happiness of the people, that self-government was a blessing of incalculable potency, that foreign domination was unjustifiable even when not a curse, that submission to it, however necessary, dwarfed and degraded the spirit of man,—these and similar ideas were new to the Indian mind, but they began to sink deep into it almost from the first. As education has spread, as more and more young Indians have crossed the seas to drink the pure waters of Western culture at the source, and as India has come to know of and been brought into contact with world-movements more and more, this thirst for self-government as for the mystical waters of the fabled spring of eternal life has claimed Indian youths in ever growing numbers.

Modern Japan began its career during what we have called the period of the second generation. But India knew little about it until Japan made her war upon China

and emerged victorious. Near the end of the second generation occurred the incident of the cotton duties already related, and the suspicion that England was exploiting India began, a suspicion which later happenings have solidified into an axiomatic first principle in many minds. Lytton's Press Act, the Ilbert Bill controversy, the attitude of the Civil Service and the Indian government towards the Congress, the failure of the Congress efforts to get parliament to reform the Indian constitution, and the Curzonian *regime*, wounding to the quick by its blatant assertion of a superiority inherent and unalterable, because of race, may be mentioned as successive Indian incidents covering the period of the third generation of civilians almost continuously. To these must be added growing economic unrest and increasing appreciation by large masses of the population of the treatment accorded and the attitude rigidly maintained by white colonials towards Indians all over the Empire. As to world movements, Indian nationalism was not born when Greece won her freedom early in the century, but the thought and career of the outstanding leaders in every subsequent nationalist success or struggle in Europe, and the Asiatic upheaval that began with Japan and became more pronounced in the last years of the nineteenth and the first years of the twentieth century have had an influence on Indian nationalism which ought not to be overlooked, however difficult it might be for the historian to estimate the degree of that influence.

And, in the meanwhile, were the civilian administrators of this third generation better adapted than their predecessors to cope with an India moving so fast? The influences already noted as affecting the second generation for the worse were still in operation and acted with increasing force in each succeeding decade. The *corps d' elite* became more and more self-conscious, more impatient of criticism as criticism increased, retired within its shell-the self-sufficient European life and society it had

created with its rapid growth in numbers at an increasing number of centres, and became a caste of white Brahmans more exclusive than any caste had ever been even in India. We have seen that the separation of England and India from each other merely because of the distance had become a thing of the past, and thought currents of English politics flooded the minds of the English administrators here also. Jingoism held increasing sway in England from about 1875 onwards for the rest of the century, and many of this third generation of our rulers here were Jingoes. Some amongst them carried this superior attitude of mind to an extreme, called themselves the followers of Nietzsche, and posed as super-men. And finally, the average of ability vigour and understanding was certainly lower than in the second generation, for the best talent of England was no longer attracted to India. [2] If this historical review of the changes that have come over the spirit of the I. C. S. and allied services from generation to generation has any basis at all in fact, the claims of the Stracheys and the Stephens that the 1858-1920 system of an irresponsible bureaucracy out of which Indians are excluded, is the best possible form of government and administration for India, were not quite admissible even when they were first formulated, and the progressive advance of India and the simultaneous deterioration of the services since, have made them less and less tenable decade by decade. From this point of view it only remains to add, in conclusion, that the authoritative announcement of the Secretary of State for India in the House of Commons on the 20th August, 1917, came not a moment too soon, that "the policy of H. M.'s Government, with which the Government of India are in complete

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2 Moreover the rapid increase in the numbers drawn from England necessarily lowered the average. A wellknown member of the Calcutta University Commission put the same thing from another point of view when he wrote,—"India has been for a long time a heavy drain upon the resources of England in brain power" (9-11-1917).

accord, is that of the increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realisation of responsible government in India."

Strachey: chs 6 and 25

Chesney: ch 11.

J. Ramsay Macdonald: ch 8.

Abdur Rahim: Minute of Dissent, Islington Commmission Report.

CHAPTER VI.

LEGISLATIVE COUNCILS.

§ 28 *The Indian Councils Act, 1861.* The Regulating Act had given the Governor General in Council at Fort William the power to make rules, ordinances and regulations for the better government of the Company's territories (§§ 36-37). Such Regulations had been issued in consequence not only by the Bengal government, but also by the Madras presidency from 1802 and the Bombay presidency from 1827.[1] The Charter Act of 1833 made a beginning in the direction of a regular law-making organ. (§§ 40, 43-8, 51, 53-5, 59, 66). A law member was added to the Bengal executive council-Macanlay was appointed the first law member, a board of Law Commissioners was appointed to help him in giving to the measures required a form in which they could be brought before the Council ready for decisison, the quorum for law-making was fixed at the Governor General and three members, and the subordinate presidencies were deprived of their power of making Regulations. While making laws under these provisions the executive council of the Governor General was thus his legislative council for the whole of India. The Charter Act of 1853 (§§ 22-26), made the distinction clearer by adopting the suggestion, made by Charles Grant

1 See *Ilbert* pp 84, 147.

in 1853, of additional members, selected for their expert qualifications and helping only when the Council proceeded to law-making. All these measures have been dealt with already in earlier chapters. Then followed the enactment of 1861 remodelling the British Indian legislature altogether. The Indian Legislative Council created in 1853 had conducted itself like a miniature House of Commons, questioning the executive and its acts with great freedom and forcing it to place even confidential papers on the table. The Indian executive were obviously at a disadvantage in dealing with such a legislature, not being free to force it, like the Cabinet in England, to proceed to a vote of want of confidence, if it dared, nor was it free to use the final argument of resigning and appealing to the country. Sir Charles Wood had proposed to parliament the Charter Act of 1853 which had established this legislature. And in introducing this new measure in 1861, he was obliged to say, "I have seen a measure which I myself introduced in 1853, with one view, changed by the mode in which it was carried into execution, so as to give it an operation totally different from that which I intended. The mischiefs resulting from that change have been great." The powers of this remodelled legislative council were therefore severely restricted to legislative matters only, and powers were reserved to the Governor General to make ordinances, without his Council, which were to be in force for six months. Further, the Governor General in Council had in the past made regulations by executive order for the Punjab and other Non-regulation provinces, had extended the regulations of the lower provinces to Benares, and had empowered the Administrations of Lower Burma and the N. W. P., to administer those provinces in the spirit of the Bengal regulations. Questions had subsequently arisen as to the strict legality of these acts. The present Act validated them all.

Moreover, this Act restored the legislative power of the Bombay and Madras governments, and constituted a

legislative council for each of them, on the same lines as the legislative council of the Governor General. It was further provided that there were to be legislative councils for Bengal, the N. W. P., and Punjab also. Under these provisions Bengal obtained its legislative council in 1862, and the N. W. P. in 1886. The numbers for these local legislatures were to be not less than four nor more than eight, besides the Advocate General of the province. The "additional members" in the central legislature were to be not less than six and not more than twelve. All these additional members were to be nominated, each for two years, and not less than one-half in each council were to be non-officials.

The nomination of non-official members was a departure of historical importance. The experience of the Mutiny had taught the need of a better knowledge and understanding of the opinions, sentiments and prejudices of the people, and it was hoped that Indians of wide experience and great weight coming up to the legislative councils as nominated members would not only enable government to learn how projected measures were likely to strike Indians and how they could be modified so as to suit them better, but that advantage could also be taken of their stay at headquarters through the medium of free and informal conversations, of eliciting their opinions and their points of view on various matters of more or less importance. It was soon discovered however that it was not possible to secure this latter advantage. Until the Universities, then just established, produced a class of Indian leaders and representatives of a modern type, the only people available for nominations were Indian Chiefs, their diwans or darbaris, hereditary landed gentry or religious leaders, and government pensioners who had retired from the highest posts open to Indians. And the representatives of these classes were, in the sixties and seventies of the nineteenth century, too conservative for what the Englishman calls social intercourse, and too cautious,

diplomatic and urbane for really free interchange of views. It was second nature to them to divine what it would please the inquirer to hear and in most cases to reply accordingly. The Indian Raja or Diwan of the past had the same difficulty in eliciting the real views of the people,[1] but then they knew the nature and the gravity of the difficulty, and also knew how to put people at their ease, and gave the time and the trouble necessary to get to the bottom of their minds. The foreigner, of course, had neither this knowledge nor these arts. It should also be noted, however, that while the Raja of that generation was quite content to leave the Indian world exactly as it had been for hundreds of years, the British ruler was inspired with the dream or the mission of creating a better and a progressive India; he wanted to create it by legislative and executive processes; his conception of the State, both as to the powers it ought to exert and as to the limits beyond which it ought not to travel on any account, was also quite novel to the Indian mind; and the questions which puzzled him at every step were in consequence questions which few Indians of that day could have understood in all their bearings. In one word, the nomination of Indians[2] to the legislative councils was a bold step in advance of the time. It is necessary to understand this to realise how fast India has progressed, or rather, how utterly unprepared India was for Western political methods and institutions in 1861. A chronicler of that time, echoing the impressions current amongst well-informed contemporaries, has remarked that "during the last thirty years India has so much changed that except for the colour of the people, and perhaps the

1 The analogy of the Indian Raja's 'court' will be found in Sir Bartle Frere's well-known minute of 1860 on the subject.

2 Non-official Europeans of the mercantile and settler classes were also nominated; these men, too, were then little better than exponents and champions of their own class interests and privileges.

climate, you would hardly recognise it as the same."[3] And the change has gone on at an increasing pace, decade by decade.

The business to be transacted at the council meetings was expressly limited to the consideration and enactment of legislative measures, no motion was allowed except in reference to a bill, which was being introduced or under consideration; no measure was allowed to be introduced by a private member, except with the previous sanction of the Governor General, that might affect the national debt, or the public revenues, or imposed any charge upon revenue, or affect the military and naval forces, or their discipline, or the religion or religious rights and usages of any section of the people. The rules of procedure were left to the executive. The power of parliament to legislate for India was reserved; the council was not to legislate so as to repeal or in any way affect any parliamentary legislation about India; nor so as to affect the authority of parliament, or the sovereignty or dominion of the Crown, over British India, or the allegiance of any subject to the Crown. Laws passed by the Council were not to have validity if the Governor General withheld his assent to them.[4] Laws passed but reserved by the Governor General for the pleasure of the Crown, were not to have validity until the assent of the Crown had been notified through the Secretary of State in Council. And laws assented to by the Governor General went into force but became null and void again, if the Crown through the

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3 I. T. Prichard, *Indian Administration, 1859-68*, 2 vols., published in 1869; I p. 131. See also his introductory chapter. For an earlier witness see Kaye, *Administration E. I. Co.*, published 1853:—"The physical improvement of the country and the moral improvement of the people are advancing, under our eyes, with a rapidity which would fill the bygone generation of Indian administrators with as much astonishment as the ancient race of soldiers would experience at the sight of the magnificent dimensions of our Indian Empire" (p. 267).

4 This power appears to be the analogue of the G. G.'s power to do what he thought fit in spite of a unanimous council.

Secretary of State in Council disallowed them. These limitations and restrictions are important, as they were maintained upto 1892, and the relaxations since, which will be noted as they occurred, were none of them of a radical character. The restrictions may be summed up into two cardinal statements. Though establishing these legislatures the authorities in England were careful not to relax in the slightest degree the subordination to themselves of the executives in India. They were also careful to guard against all possibility of the new organs weakening these executives in any way whatever. The councils had a standing official majority, and a preponderance of the executive out of all proportion to that majority. They were merely advisory bodies and even their function of humbly tendering advice was rigidly circumscribed. People expecting a legislature to be in some degree independent of the excutive and able to exercise some check upon it, not merely by the indirect process of compelling the executive itself to reconsider matters but in some ostensible manner, were naturally disappointed with it, and thought its title a misnomer.[5] The forms, delays, discussions, inquiries, and publicity necessary to good law-making were introduced; but the will behind the laws that came to be made was the will of the executive. And, in consequence, parliament was able to hand over to the executive, within the bounds of its delegated authority, plenary powers of legislation. The Indian legislative council had power to make laws for all persons, all courts, and all places and things in British India; for Indian subjects, soldiers and campfollowers in any part of the world, and for British Indian subjects and government servants anywhere in India.[6] And these laws superseded laws and regulations made by any other authority in India. The powers of the local legislatures were restricted in the same way as those of the central council; they were further debarred

5 *Prichard* I pp. 113-4, 119-121, II pp. 225-6.

6 Some of these powers were added later.

from legislating about the tariff, currency, post and tele graphs, patents and copyright, the Indian Penal Code, and other matters exclusively under the control of the central executive; and the laws passed by them and assented to by the Governor were not to have validity until also assented to by the Governor General. Finally, the practice soon grew up for the Government of India and the provincial governments to refer a bill to the Secretary of State and the government of India respectively, before its introduction into the legislative council.

Mukharji I 191-222: the text and Sir Charles Wood's speech 6-6-1861.

Ilbert pp 99-103 and ch 3 part VI.

Report on Indian Constitutional Reforms *§§ 56-65.

§ 29 *The Indian Councils Act, 1892.* Although exceptional men like Raja Ram Mohan Roy had begun to appear, the Indian people outside Bengal and the bigger towns were still, in the decade of the Mutiny, what we have called them in an earlier chapter, dumb and altogether oriental or mediaeval in their outlook. But English education spread fast, a "native" press began its political mission in province after province, a new literature was born in one vernacular after another growing more and more modern in tone method and aims, and the English language and railways began to transform and unify Indian thought, aspiration and outlook. The numbers swelled to hundreds in every province of men who began to envisage the Indian political problem as a whole, to criticise the actions and resolutions of the executive from day to day, and to follow events in the outside world also and estimate their bearings. The proceedings of the English parliament and the vicissitudes of the party struggles there came to be a topic of absorbing interest to growing numbers in every Indian town. Above all, there was the increasing pressure from above of a foreign

*Referred to henceforth in this book as **Report I. C. R.**

bureaucracy getting more and more unsympathetic and supercilious, and there also were two masses of the population in the Indian continent,–the Muhammadan in the North, the Maratha in the Deccan, who cherished memories of the bygone days of their own power and glory. India's demand that England do fulfil her deliberate legislative promises and solemn royal pledges, began as a continuous petition urged in a voice ever growing in volume and rising in pitch, from about the seventies. And, curiously enough, the first Indian who came to be recognised and revered as the spokesman of India was the exceptionally modest, simpleminded and inoffensive Dadabhai Naoroji. Another short decade and the local political simmerings gave rise to presidency organisations, and out of them leapt into the forefront the all-India annual gathering of the Indian National Congress. By the material test of numbers, resources, structure, or even output of work, it looked a negligible an almost contemptible little thing for so vast a country to put forth as its accredited representative. But the average Civilian would have done well to see, as did the few Humes, Wedderburns and Cottons who formed a dwindling minority in the order, that the new institution was endowed with life and growth, and that the better mind of India would be behind it more and more.

The Indian National Congress asked for representative legislatures with wider functions, from the very beginning of its career in December 1885. If the Government of India were ever inclined to favour the idea of a real transfer of power, however limited, to the people and their elected representatives, it could only have been for a very short time. But they were not unfavourable to elected representatives. And they as well as the Anglo-Indian opinion set forth by chambers of commerce and other bodies, desired that greater and more regular opportunities should be afforded to the people to state their grievances and seek information, and to the executive

to explain policy and reply to criticisms and attacks due to ignorance and misunderstanding. At the Jubilee celebrations, February 1887, Lord Dufferin indicated that government were thinking of enlarging the imperial council and widening its functions. He appointed a committee to frame proposals, and these were submitted to the Secretary of State in 1888. Lord Lansdowne, who succeeded, submitted similar proposals in the following year. It was obvious that nothing could be done without a fresh parliamentary Act, as the Act of 1861 had provided for nominated members only and laid down strict restrictions as to numbers and powers. The Indian National Congress organised public opinion on the subject both here and in England, and asked that half the members of each legislature should be elected representatives, that the annual budget should be regularly submitted to the legislatures, that the members should be allowed to interpellate government, and that the Punjab should also have its legislature.[1] Charles Bradlaugh was present at the Bombay sessions of the Indian National Congress (December 1889), and introduced a bill on the subject into the House of Commons early in the following year. The Secretary of State also introduced a bill on the same subject in the House of Lords in the same session. Both were crowded out by other parliamentary business. The Secretary of State made a second attempt in 1891 without success. At length at the third attempt in 1892 the bill, as it had been amended by the House of Lords in 1890, became law. The principle of election was not embodied in the Act, as Lord Cross would not have it. During its passage through the House of Commons it excited keen interest. The following extract from the speech of Mr. (now Lord) Curzon, then Under Secretary of State for India, at the second reading of the bill, puts the whole matter briefly and clearly.

1 First I. N. Congress, Resolution III; II Congress, Resolutions II–V; III Congress, Resolutions II, N. IV Congress, Resolution I; V Congress (1889) Resolution II; VI Congress, Resolutions I and VIII; VII Congress, Resolutions II, XII, XIII. Bradlaugh died January 30, 1891.

Mr. Curzon: Coming to the concluding question, the mode in which these additional members were to be appointed, he noticed that the Hon. Member for North Manchester (Mr. Maclean) had on the paper an amendment declaring that no reform of the Indian Councils which does not embody the elective principle could prove satisfactory. But the Bill, he had to point out, does not exclude some such principle, be the method election, or selection, or delegation, or whatever particular phrase they liked to employ. The 4th sub-section of Clause I runs as follows:—

"The Governor General in Council may from time to time, with the approval of the Secretary of State in Council, make regulations as to the conditions under which such nominations, or any of them, shall be made by the Governor General, Governors, and Lieutenant-Governors respectively, and prescribe the manner in which such regulations shall be carried into effect."

Lord Kimberley himself had elsewhere, in an earlier stage of this Bill, expressed himself with reference to this Clause as follows:— "I express my own satisfaction because I regard this, as, to a certain extent, an admission of the elective principle...I myself believe that under this Clause it would be possible for the Governor General to make arrangements by which certain persons may be presented to him, having been chosen by election, if the Governor General should find that such a system can be established."

Mr. Maclean: Does the Government accept that view of Lord Kimberley?

Mr. Curzon: Undoubtedly, Sir, the opinions expressed by Lord Kimberley are also shared by the Secretary of State.

Gladstone in winding up the debate for his party, agreed that the wording of the sub-section was so peculiar that it could not but mean an intention, a genuine and sincere intention, to leave room for the adoption of the principle of election, if it was at all found possible to do so. If so, the question arose—should parliament prescribe election in so many words, or should it leave the matter to the discretion of the Governor General in Council? This question Gladstone decided against Maclean and his liberal pro-Indian friends, and in favour of the Government of India. Hence, although he said he felt "justified in looking forward not merely to a nominal but

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to a real living representation of the people of India," he deprecated a division, he felt it might convey a wrong impression, and concluded: "I certainly could not take part in any division hostile, or apparently hostile to the Bill....We should do well to allow this Bill to receive the unanimous assent of the House."

On the more important issue of powers and functions, the Act only widened the opportunities of non-official members for "criticism, suggestion, remonstrance, and inquiry." [2] So ended the first effort of educated India. Since 1861 a whole generation had passed by; a generation during which Universities and law courts had grown up from their first small beginnings into the most cherished of the modern institutions that England had sympathetically planted into India; a generation during which English had become the common language in India of the upper ten thousand, during which English literature and English history and politics were studied with an utter reverence beyond description, and Indian youths were crossing the *kala pani* in ever increasing numbers to drink of the fountain at the source. This spirit, this attitude of India towards England, has gone, never to return. The failure of parliament to seize the psychological moment and make a genuine beginning, however small, of representative institutions in India has changed all that, once for all.

However, the leading Congressmen both in India and in England bowed to the inevitable. The new Act gave—

(1) Larger councils, and also, gradually, councils for some provinces hitherto without them.

The maximum number of "additional members" for the central council was raised from 12 to 16. For the provincial councils the maximum was fixed at 20 in the

2 Lord Dufferin.

case of Madras, Bombay, and Bengal, and 15 for U. P. Councils were established later for the Punjab and Burma (1897) with 9 additional members. [3]

(2) The right of interpellation.

Any member might ask a question, if it was a request for information only, if its wording was not argumentative, hypothetical or defamatory, after due notice; the president might disallow any such question; and, lastly, there was to be no discussion on the reply.

(3) The right to discuss the annual financial statement.

A printed copy was to be supplied to every member some days in advance, and at the meeting any member might discuss and comment upon any part of it, and offer suggestions, and the financial member, heads of departments (if nominated additional members), and the president might reply and wind up the debate. But no resolution could be formally proposed or the house divided upon it.

Under the 4th sub-section of clause I, quoted above, rules were framed under which ten non-officials (and not eight only) were nominated to the Governor-General's Council; viz., those recommended, i. e. elected for the purpose, by the Calcutta Chamber of Commerce (1), and by the non-official additional members of the provincial councils (one each from Madras, Bombay, Bengal and U. P., and later from the Punjab, Burma, and Eastern Bengal and Assam also), and those others selected by the Governor General with a view to the legislative business before the council, and the due representation of all classes. To have nominated more than ten non-officials would have exposed the council to the risk of a non-official majority.

3 When Eastern Bengal and Assam was separated from Benga (1905) it was given a council with 15 additional members for legislative purposes. Punjab and Burma were treated as 'minor' or 'backward' provinces i.e. the legislatures there established were of the 1861 pattern.

In the Bombay Council, under the rules framed, eight of the non-official members were nominated on the recommendation of the Bombay Corporation, the Bombay University, municipalities, district boards, and other bodies. The Governor nominated other non-officials also, and the total number of the non-officials was to be at least 10 out of 20. The Bombay Government soon ceased to nominate the full complement of additional official members (10), so that for several years before 1909, the Bombay legislative council was working with a non-official majority. The regulations for the "nomination" of non-officials at Madras and Calcutta were similar; but in the last province, on a revision in 1908, one seat was given to the Zamindars.

Mukharji I 228-245: the text and extracts from the speeches of Mr. Curzon and Mr. Gladstone.

Ilbert p 107 and ch 3 part VI

Report I. C. R. §§ 66-71.

§ 30 *The Indian Councils Act, 1909.* In 1813 and 1833 we have seen the influence of the thought currents predominant in England on the growth of the Indian constitution. Lord Ripon, again, during his viceroyalty was but the agent of English liberalism in trying to rear the plant of public life in India by his Local Self-Government Act of 1882. For the twenty years that followed the conservative party was in the ascendent in England, and it was a period of stagnation in India. We have just seen how the principle of election was not introduced in the Act of 1892, although the Government of India was not against it. During the latter part of this period and especially after 1905 India was, as Gokhle said in the central council, "drifting into chaos."[1] But the liberal party won

1 The Prime Minister (Mr. Asquith) referred to this statement in the debate on the second reading (April 1909) and added, "I do not say that the aspirations of Mr. Gokhle are met by this Bill, or those of his friends; but it is a step which will avert the serious danger which has been confronting us for the last few years."

a sweeping victory in the general election of December 1905, and John Morley became Secretary of State for India in Sir Henry Campbell-Bannerman's ministry. His first measures had to be repressive,[2] as Lord Curzon's *regime* and especially his partition of Bengal had given rise to widespread discontent. But he very soon came to the conclusion that a further step in advance was also necessary, such as would render the administration progressively sympathetic and give the people themselves a growing influence and a larger voice in the deliberations by means of which a modern state shaped its public policy. The friction and delays he overcame were immense, in order to be able to overcome them at all he had to reduce his scheme to the indispensable minimum, to claim for its character, tendency and effects very much less than was justly due to it, and to keep his own authorship of it in the background, and his ripe statesmanship shone at its best in this strategy. Larger employment of Indians in the higher posts upto the highest and decentralisation on an extensive and effective scale, so that local self-government organs would be really self-governing and the provinces would develop from mere agencies and administrations into governments, were as essential parts of his scheme as the enlargement of the legislatures and their elevation from the position of mere advisory adjuncts to that of essential limbs of the government, wielding an influence, certain to grow full soon into directing power and control. But he retired from the helm before the recommendations of the Decentralisation Commission could be worked out and even before the Islington Public Service Commission was appointed. Even his scheme for the legislatures the Government of India modified in the fundamental particular of communal electorates. Still, it

2 Deportations (under the Bengal State Prisoners Regulation of 1818) May 1907 and later. Prevention of seditious meetings, by ordiance, followed up within six months by an Act–November 1907; Explosive Substances Act and Incitements to Offences Act, 1908; newspaper prosecutions; &c.

is not too much to say that the vessel of state was drifting on to disaster when Morley took the helm, and it was his foresight, firmness, and liberalism, coupled with the unique respect and confidence he inspired in the minds of all concerned (from the Cabinet and the radical and labour M. P. 's in England, down to the leaders amongst the Civil Service as well as the moderate, Muhammadan, and nationalist parties in India), which enabled him to make a fresh start, to make even the Civil Service realise that a centralised bureaucracy and Curzonian bumptiousness were evils of the first magnitude, and that, moreover, repression alone or in excess of a proved specific need, would never be to tolerated by parliament or by England as their settled policy towards India. Thus, it is not too much to say that to him belongs in an exceptioual degree the credit of saving the cause of progressive constitutional reform in India.

The bill was introduced into parliament on February 17 and received the Royal assent on May 25, 1909. It took the form of an Act amending previous enactments on the subject, and left a great deal to be provided by regulations and rules which the executive connected with the particular legislature was to frame, and the next higher authority was to sanction. All such proclamations, regulations and rules, other than rules made by a Lieutenant Governor for the more convenient transaction of business in his Council, were also to be laid before parliament as soon as made. The Act provided that amongst the additional members there were to be both nominated and elected members, and fixed their maximum at sixty for the council of the Governor General, fifty for the council of each of the major provinces, [3] and thirty for the

3 Eastern Bengal and Assam was counted as a major province; Punjab, Burma and any other Lieutenant-Governor's province 'where a legislative council might be constituted hereafter' were counted as minor provinces. With the repartition of Bengal in 1912, Bihar and Orissa took the

(See page 151)

rest. And the Act further provided that rules shall be made authorising at these Councils (a) the discussion of (1) the annual financial statement and (2) any matter of general public interest, and (b) the asking of questions, under prescribed conditions and restrictions.

The Secretary of State in Council had pointed out in their despatch (No. 193, 27-11-1908) that in the provincial legislatures an official majority might be dispensed with, but that a substantial official majority must be permanently maintained in the central body (§ § 17-22). Under the rules and regulations the councils were so constructed from the first as to carry out both these principles.

The elected members of the central council were returned by (a) the non-official members of the provincial,

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(Concluded from 150)

place of Eastern Bengal and Assam, and Assam itself ranked as a separate minor province. The Government of India Act, 1912 (passed June 25), enabled legislatures to be formed for provinces under Chief-Commissioners. The regulations for all legislatures were then revised, the Assam Council was established, November 1912, and the C. P. and Berar Council, November 1913. The maximum numbers, as after 1913, are shown in the following table:—

Class of Member	India	Madras	Bombay	Bengal	B. and O.	Assam	U. P.	Punjab	Burma	C. P. &B.
Head	2	1	1	1	1	1	1	1	1	1
Executive Council	7	3	3	3	3	...	...	...	...	...
Nominated Offl.	28	17	15	16	15	9	20	10	6	10
Total Offl.	**37**	**21**	**19**	**20**	**19**	**10**	**21**	**11**	**7**	**11**
Nomniated non-offl.	3	5	7	4	4	4	6	6	8	4
Elected	27	21	21	28	21	11	21	8	1	7+3*
Total Non-Offl.	**30**	**26**	**28**	**32**	**25**	**15**	**27**	**14**	**9**	**14**
Experts-offl. or Non-offl.	2	2	2	2	1	1	2	2	2	1
GRAND TOTAL.	*69*	*49*	*49*	*54*	*45*	*26*	*50*	*7*	*18*	*26*

* The 3 Berar members elected by municipalities, district boards, and landlords, one each.

councils of Madras, Bombay, Bengal, and U. P., two each, and those of the other five provinces, one each; (b) the landholders of Madras, Bombay, Bengal, U. P., Bihar and Orissa, and C. P., one each; (c) the Muhammadans of the same five provinces, excepting C. P., one each, and another by the Muhammadans of U.P. or of Bengal at altenate elections; and (d) by the two Chambers of Commerce Bombay and Bengal : total, 27.

The twentyeight elected members of the Bengal council were, under the regulations, returned by (*a*) the municipalities, district and local boards, and Muhammadans 5 each; (*b*) the landholders of the four divisions, except, ing Chittagong, one each; (*c*) the municipalities or landholders of the Chittagong division, one member at alternate elections; (*d*) the Calcatta Corporation, the elected commissioners of the same Corporation, the Calcutta University, the Calcutta Trades Association, the tea-planters, and the Chittagong Port Commissioners, one each; and (*e*) two by the Bengal Chamber of Commerce.

The twentyone elected members in the Madras, Bombay, U. P., and Behar and Orissa Councils were similarly elected by municipalities, district boards and corporations, Muhammadans, landholders, commerce industrial, or mining associations, and universities.[4]

4 The details in parallel columns:—

Madras.	Bombay.	U. P.	Behar & Orissa.
The Corporation of M. 1	Do. of B. 1	Larger municipalities in rotation 4	Municipalities 5
Municipalities and District Boards 9	Municipalities 4 District Boards 4	Smaller M. and Dist. Boards 9	District Boards 5
The University 1	Do. 1	Do. 1	
Muhammadans 2	Do. 4	Do. 4	Do. 4
Landholders 5	Landholders 3	Do. 2	Do. 5
Planters 1			Do. 1
M. Chamber of Commence 1	B. Do. 1 Karachi C. 1	Upper India Chamber of Commerce 1	
M. Trades Asstn 1	The Indn Commercial Community 1 Millowners of Bombay and Ahmadabad 1		The Mining Community 1

Burma was treated exceptionally. The Chamber of Commerce elected one member, but the government nominated four members to represent the Burmese, two to represent the Indians and Chinese in Burma, and two to represent other sections To the Assam legislature the Muhammadans, the landholders, the municipalities of the province, and the local boards, elected two members each, the tea-planters elected three. The Punjab had a University and a Chamber of Commerce; each returned one member to the legislature. The C. P. and Berar landholders elected two and one member respectively to their council. And the rest of the elected members in both provinces were returned by municipalities and district boards.

None but British subjects were eligible for election. Officials, females, bankrupts and insolvents, persons judicially found to be of unsound mind, and persons under twentyfive years of age were disqualified. And persons dismissed from government service, legal practitioners deprived of their *sanads*, persons sentenced to imprisonment exceeding six months, or transportation, or ordered to find security for good behaviour, and, finally, persons whose election the Governor General in Council, in view of their reputation and antecedents, declared to be contrary to the public interest, were also to be held disqualified, unless and until in any particular case the Governor General in Council waived the disqualification by a written order. Females, minors, and persons of unsound mind were also disqualified for voting at the elections. The elected members were to serve for three years, but the members nominated to the councils by government might be nominated for any shorter term. In constituting the electorates various methods had to be adopted, according to local conditions, and even so, not a few of the electorates were experimental, some of them were avowedly provisional until better ones could be

devised, and there were also cases, e. g. the Punjab Muhammadans and landholders, and the various sections of the Burmese population, in which no electorates could be formed at all, and selected representatives had to be nominated to the councils. Most of the electorates were indirect. And in the direct electorates of Muhammadans and landholders, the qualifications required for a vote varied greatly from province to province.

Critics of the Act of 1892 have observed that although the principle of election was not adopted in words it was adopted as a fact.[5] Critics of the Act of 1909 have observed that though the principle of election was adopted in words, the legislatures created were such as could not be accepted as representative in any real sense.[6] Both criticisms rest upon facts obvious to all. Enlightened Indian opinion felt nevertheless that the Act of 1909 was a great step in advance of the Act of 1892. Political freedom, as the West understood it, was unthinkable without representative legislatures; without bodies composed of elected representatives of the people. In 1853, 1858 and 1861, it was held impossible to constitute such bodies in India. Indian political effort concentrated more and more upon getting this judgment quashed. Citizens, in the Western sense, were primary voters whose representatives in constituted assemblies controlled the executive government in eneral policy and daily administration: this and this alone was political freedom; this and this alone was true citizenship. Indian political opinion aspired to that citizenship, at first in British India itself, and then in the British Empire as a whole. It failed in the attempt in 1892, but succeeded in 1909. The acceptance of the principle by parliament was, from the Indian point of view, the main battle. At last was made the longed-for start, and the only destination possible was the status of "the King's equal subjects."[7]

5 *Report I. C. R.* § 69.
6 *Report I. C. R.* § 83; *Dyarchy*, pp. 366-8.
7 Lord Morley used the phrase in his speech, 23-2-1909; Gokhle quoted it enthusiastically in his budget speech, 25-3-1909.

It is too mechanical a view of political moments to judge them by the new scaffolding. The meaning of an advance is as a rule better indicated in the new functions assigned, the new goal set. No change was made, none was intended, [8] nor expected, [9] in the essential subordination of the legislatures to the executive. Lord Morley emphasized this repeatedly. It does not follow, however, that his critics, from Lord Curzon downwards, were incorrect in pointing out, that though he "assured us that he had no ambition to set up any sort of parliamentary system in India, or 'even to share in the beginning of that operation,' it will inevitably be the consequence of his act." [10] Lord Morley certainly desired an association of the representatives of the people with the executive; an increasing association as the representation improved and the representatives acquired experience and outgrew the stage of negative irresponsible criticism; when or how this was to grow into influence and pressure, and that into parliamentary control, he left to the future. Through what events,—enlargements of the electorates, dead-locks in the legislatures, conflicts between the provincial and central governments—this future might have been shaped, or how soon, it is impossible to tell, for in less than five years, the Great War burst upon the world, and altered everything.

The association that was desired was rendered possible by an increase in the criticising and deliberative functions of the legislatures. Members could now follow up their interpellation by a *supplementary question*, though under the same stringent safeguards as formerly. They

8 Reform Despatch (No. 193—27-11-1908), § 22.

9 Gokhle (Budget Speech, 25-3-1909): 'To safeguard the essential elements of British supremacy, to associate the people more largely with the administration of their affairs, and to do this cautiously, impartially, and at the same time in accordance with ideas and aspirations which Western education has fostered...'

10 Curzon's speech, 2nd. reading Debate, 23-2-1909

could move *resolutions*, in so far as allowed by the president, and on subjects of public interest not excluded from the competence of Indian legislatures by the Act of 1861, nor *sub judice* at the moment, nor affecting the relations of the government with a foreign State or a Native State. In the debates that followed, speakers were subjected to a time limit, amendments were allowed, and a resolution if carried, had, according to the letter of the regulations, no more effect than a recommendation. But of the 168 resolutions moved in the central legislature from 1910 to 1917, 24 were accepted by the executive, and 68 were withdrawn by the members either because the debate showed the inadvisability of pressing them, or because the executive undertook a sympathetic reconsideration of the matter. Seventy-three of the resolutions might " be described as fructuous. In not a few instances substantial results were obtained." "The view taken at the time that this concession was perhaps the most important of all the changes, was (thus) justified by experience."[11]

It is impossible to arrange the various parts of a complex scheme in the order of their importance and effectiveness. All the parts were designed to help materially in the desired dilution of irresponsible autocracy with popular influence. Where enumeration or other mechanical tests can be applied, the result can be stated in statistical or other definite forms; but it does not follow that the results were inferior in the case of those other parts of the scheme, the operations of which were not easily amenable to mechanical analysis.

Even under the old constitution of the legislature, the debate on the budget had, in the central council, afforded to the diplomatic and resourceful persuasiveness of Gokhle an excellent means to bring popular opinion to bear upon the financial policy of the government. What he

11 *Report I. C. R.*, § 94. For resolutions in the provincial legislatures, see § 98.

was thus able to achieve from 1902 to 1909 is all the more surprising when we remember that his greatest triumphs were won while Indian policy and finance were under the guidance of two such dominating personalities as Lord Curzon and Lord Kitchener.[12] Under the Act of 1909 the opportunities conceded to the representatives of the people to influence the BUDGET were multiplied. The regulations, as finally modified in 1918, provided for a general debate on the preliminary estimates, called the *financial statement,* followed by a debate on such resolutions as the members might move, and, when all such resolutions were disposed of, by an explanation of the various parts of the statement under convenient heads or groups of heads. At this stage also resolutions were permitted on certain heads of revenue and of expenditure. And, finally, the *budget proper* was presented to the council on or before the 24th March, when again the Financial Member, the official members in charge of particular heads, and the President might enlighten the council on the differences between the final and the preliminary figures, on the reasons for the adoption or rejection of the resolutions, and on other topics. In the provincial councils, the preliminary statement was submitted to a committee of the council composed of official and non-official members in equal numbers. The provincial government then drew up a revised statement in the light of the discussions in this committee, submitted it to the Government of India for provisional approval, and then presented it to the council as a whole; the proceedings thereafter were of the same character as in the central legislature.

One more feature of these new councils has to be noted. A representative is a man whom a constituency

12 Compare Gokhle's budget speeches with those of the Finance Minister and the Viceroy, year after year, and judge how much of the reductions in taxation, the more accurate estimating, the larger grants to the nation-building heads of expenditure, the more sympathetic tone and attitude, were due to Gokhle's influence.

send on their behalf to an assembly because of their general confidence in him. He knows their particular views, but in the assembly he is perfectly free to decide for himself how he is to vote.[13] A delegate, on the other hand, is a mere agent and holds himself bound to vote in accordance with the views of his constituency, even though his own opinion of what the interests of the nation as a whole required might be different. How were the official members to speak and to vote in these assemblies, and the non-official members nominated by government? From 1861 to 1892 the non-official members were free to speak and to vote according to their own judgment, for although they owed their nomination to the government, it was understood that they were nominated as the best men who could be found to voice the feelings and opinions of the people in the legislature. The members of the executive council, on the other hand, were the government; although any of them might differ strongly from his colleagues, and although he might have exerted himself to the utmost in the privacy of the executive council to influence and alter their views, when a measure came before the legislature as a government measure, he was bound to act and to vote with his colleagues. This was not however always realised, and, as a matter of fact, "when divisions in the councils were recorded, it was by no means unusual that official members were as much divided among themselves as the non-officials."[14] Hence it was, that the question, how the officials who were not members of the executive government were to act and to vote, did not arise during this period in an acute form.

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13 Not local purposes, not local prejudices are to guide, but the general good, resulting from the general reason of the whole. You choose a member, indeed, but when you have chosen him, he is not member of Bristol, but he is Member of Parliament."—Burke.

14 Sir V. Bhashyam Aiyangar: from his Note on the Minto-Morley proposals submitted to Government, 1908.—A. R. Aiyangar: *Indian Constitution*, (1913), p. 161.

The reforms of 1892 brought not only enlarged councils but a new class of member: the nominated non-official who was for all practical purposes an elected member. He began to undertake the *role* of 'His Majesty's Opposition', his example also acted upon the non-official nominated member, and in the budget debate, the provincial official in the central legislature spoke up for his own province, and in the provincial legislature, often voiced local or departmental views as distinguished from the secretariat or government views. Modern civilised governments even when autocracries in fact are in appearance governments by persuasion, and must, in the long run, command the intellectual ascendency of better information, larger views and more solid arguments than their critics, and the formal ascendency over them of a majority of some kind at the back of their decisions. The debates grew in interest, and the voting, when there was any, could not always be left merely to the balance of the argument and the good sense of the members. Government urged that all the officials were bound in honour to support them both in the debates and the voting, but especially the latter. There were protests against this from time to time, but as a rule the sense of discipline and solidarity prevailed. Thus arose the 'official *bloc*.' This however was not enough. Government by persuasion necessarily needs honest and independent support, high in quality, even if small in quantity. Official support even when absolutely honest and independent is generally discounted as merely official. A change of heart, a policy such as would beget trust and co-operation, a spontaneous leadership of the people putting forth measures, both administrative and legislative, such as would remedy or remove grievances, elevate the status of the people, and secure their material and moral progress in increasing volume, would be the noblest way of winning such honest and independent support. In other words, a benevolent despot, or a philosopher-king such as Plato dreamed of, is theoretically the best means

to bridge over the period of transition from a despotism to a democracy. But autocracies in power are rarely able to adopt such a policy of gradual and progressive self-effacement, or to pursue it steadily for long. And, in any case, in the concrete world as it is, neither are the issues so plain, nor the remedies so easy. Is the goal of a democratic government and society the best goal for us? People differ. Best or middling or worst, is it practicable, can it be attained? There are again differences of opinion, thoroughly honest and passionately held. Granted for the sake of argument that we can all agree as to the goal, honest differences of opinion would again emerge at every step, as to the rate at which we should or could advance in that direction, and as to the concrete measures to be adopted at any time. And faced with such differences of opinion in a legislative assembly, the members of the executive government whose duty it is to obtain a majority for their measures, and who, besides, are not in a position to accept an adverse majority vote as a decision bringing them a release from responsibility, are inevitably driven by the pressure of the situation, to adopt various arts to secure what they need so badly, viz. a majority clinging more or less uniformly to their own side, and containing at least some elements in it (occasionally, if not always) of really honest and independent support. Thus we discover, as the situation develops, the non-official European members, nominated or elected, usually casting their votes with the official *bloc*; the executive government exercising their power of nomination so as to obtain representatives of the people or of some section who are also 'safe' and pliant; and executive officials manipulating elections and constituencies in various ways, more or less indirect. Soon precedents create practices, these again win recognition as rules, and express orders follow, general or occasional, published for all to read or confidential. "In plain words, moderates" and non-party men, both amongst

officials and non-officials, Indians and Europeans, "are forced into the camp of extremists... Wherever this system has been long continued, government by 'influence' has set in, degenerating into government by intrigue and ending in government by corruption."[15] The only remedy is government by executives really responsible to representative legislatures.

To avoid misunderstanding, we have to add in conclusion, that the above is a description of evil *tendencies* necessarily inherent in every system of elected legislatures not armed with control over the executive. The more representative the legislature, the more certain is the degradation of politics, unless and until the executive-through deadlocks, conflicts, dictatorships, and other incidents—drops its autocratic character and becomes responsible, until the political sovereignty is transferred as a matter of fact to the active-minded amongst the people, whatever the changes adopted in the form of the constitution. The course of political development in India could not entirely escape this tendency to degradation. That it was escaped, however, to a great extent, was due to several circumstances. The Indian legislatures from 1892 to 1909, though containing representatives who were really elected, were in numbers mere toy assemblies, nor could they claim a representative character. And when larger and more representative legislatures were introduced by the reforms of 1909, they had, luckily for India, but a short span of life. In less than five years the Great War was upon us, and brought about a radical change of constitution. The system of 1858 was cast aside, India ceased to be a dependency ruled from above, the principle of partnership was accepted for her relations with the other members of the Empire, the principle of responsible government was accepted for her internal constitution, and the only questions which remained for consideration were,

15 *Dyarchy* p. 373.

how far these principles were to be applied immediately, and through what stages they were to be further developed to a full logical consummation.

Mukharji I pp. 245-385: the text, extracts from Minutes, Despatches, Speeches, Resolutions, and the Central Council Regulations as amended upto 7-2-1918.

Ilbert pp. 108-125 and Appendices I, II and V.

Morley *Indian Speeches* (Macmillan. Also Natesan).

" *Recollections* Bk. V.

Curtis *Dyarchy* pp. 366-380.

Report I. C. R. ch 4

CHAPTER VII.

ADMINISTRATION OF JUSTICE

§ 31 *Under the Company.* From law-making organs we pass on to courts whose function it is to apply and administer the laws. We have seen that the East India Company had established Mayor's Courts in 1726 in the presidency towns, and that their powers had been enhanced under revised letters patent in 1753;[1] the president and council formed a court of appeal, and final appeals, in cases involving sums exceeding Rs. 4000, lay to the King in Council. We have also seen that wherever the Company acquired zamindari rights zamindari courts had been set up, and in Bengal, soon after the acquisition

1 Prior to 1726 a court consisting of a lawyer and two of the Co.'s servants decided suits under the Charter of 1863. The Charter of 1753 provided that the courts were to entertain only such suits between Indians as the parties of their own free will submitted for their decision. This limitation had no practical effect in Bombay Island, a colony of Indians brought together and fostered by the Company. *Ilbert* p 354; *Malbari* ch 5.

of the diwani, civil and criminal courts, with the *sadr adalats* at the top, had been taken over by the Company and reformed (1772). Then followed, in Bengal, the Regulating Act, and the Supreme Court by royal charter (26-3-1774) took the place of the Mayor's Court at Fort William. The conflict between the indigenous courts and the Supreme Court was moderated by a working compromise and by amending legislation. Lord Cornwallis reorganised the whole system of judicial administration in Bengal and established district courts, provincial courts of appeal, and the sadr or highest and ultimate courts, for civil cases as well as criminal trials. "Every civil servant from the beginning of the nineteenth century has looked upon 1793 as the commencement of a new era. The Cornwallis Code, whether for revenue, police, criminal and civil justice, or other functions, defined and set bounds to authority, created procedure, by a regular system of appeal guarded against the miscarriage of justice, and has been the basis of every attempt to introduce law and order into each successive acquisition of districts and kingdoms."[2] And, above all, he introduced the principle of the supremacy of law by laying down the rule that "the official acts of the Collectors might be challenged in the civil courts, that government itself might be sued like any private individual, and that such suits could only be cognizable by judges who had no direct or personal interest in enforcing the claims of Government." This foreign autocracy thus "divested itself of the power of infringing in its executive capacity on the rights and privileges which it had conferred in its legislative capacity."[3] Recorders' courts succeeded Mayor's courts at Madras and Bombay in 1798, and these were replaced in turn by Supreme Courts, at Madras in 1801 and at Bombay in 1824. District, provincial and sadr courts, criminal and civil, were created in both presidencies as they acquired territories by wars and treaties,

2 *Cor wallis* pp 94-5.
3 *Cornwallis*, p. 97.

and on the same system embodying the same ideas and reproducing the same defects and difficulties as in Bengal. And as subsequent governors-general introduced changes in Bengal, they were adopted in these presidencies also. Thus district judges became district and sessions judges with criminal as well as civil powers, collectors and their higher assistants became magistrates,[4] and the intermediate provincial courts between the district and the sadr courts were abolished. Then followed the charter of 1833. The 1813 system of licenses was abolished, it was anticipated that Englishmen would in consequence resort to India in numbers, and this circumstance, we have seen, had its due influence upon parliament. British subjects were entitled to have the same system of law and justice to live under in India as they were accustomed to in England, and a codification of law, a standardisation of procedure, and a single system of courts were seen to be necessary. Law Commissioners and a Law member of Council were accordingly appointed and the best men available were chosen for the posts. But, as George Campbell (who later rose to be Lieutenant Governor of Bengal) justly remarked, England then had hardly any jurists amongst her lawyers.[5] Macaulay, he admitted, had great and versatile talents, but he added,—"in these days of division of labour it may be doubted whether any man can become master of many great subjects; and assuredly of all tasks requiring the perfection of human skill, one of the most difficult is that of forming codes of law for a great country, strange to us, in which

4 In Bombay, Madras and the N. W. P., (as also in the Non-Regulation provinces, of course) one and the same officer was from the first and throughout both Collector and Magistrate. In Bengal proper there were various changes of system—*Ramsay Macdonald*, p. 201.

5 *Modern India and its Government* (1852). Chs. 11 and 12 are a valuable survey of the judicial system, its results and its defects, upto 1852; they also include an independent estimate of the work done by the Law Commission and its successors upto that date.

much that is indigenous had become disorganised, and little had been done to analyse the mass of old and new laws and customs." And if Macaulay was no jurist, "the men of Indian experience (added to the Commission), again, were no jurists" [6] either. No wonder, the Indian Penal Code and the Codes of Criminal and Civil Procedure, which they set about to compile took many years and even when completed excited a certain amount of quite legitimate opposition and dissatisfaction. [7] The code of Civil Procedure became law in 1859, and the code of Criminal Procedure in 1861; both have been repeatedly amended and improved since; the Indian Penal Code became law in 1860.

§ 32 *The Indian High Courts Act, 1861,* abolished the Supreme and Sadr Courts and established High Courts instead, one for each presidency; their original jurisdiction, civil and criminal, was limited by the letters patent, to the presidency towns, but they were otherwise constituted the highest judicial authorities in and for their

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6 P. 220.

7 "The draft (of the penal code) was strenuously criticised by many of the judges in India"—*Gazetteer* IV p 138. For a very different way of stating the facts see Sir James Stephen's well-known rodomontade:—"The long delay had the singular but most beneficial result of" subjecting the work of a Macaulay to "a minutely careful revision" by a Sir Barnes Peacock; "an ideal code ought to be drawn up by a Bacon and settled by a Coke" (*Strachey*, p 103). With the highest respect for Sir James Stephen's erudition, it is impossible not to smile at this. Macaulay was no more a Bacon than was Sir Barnes a Coke.

The substantial excellence of the Indian Penal Code is due above all to this that it was a composite result arrived at by several sets of minds each set working more or less jointly, and each set trying to carry the process onwards from the point at which it reached them, but also bringing to the task fresh points of view. Macaulay was no more in this process-though, no less-than the most active and the most distinguished member of the first set, Sir Barnes Peacock no more than the most painstaking and expert member of almost the last set. To assign the whole credit of the success to these two only or in the main is hagiolatry.

presidency, superintending the work of all the other courts, regulating their practice,[2] and empowered to direct the transfer of any suit or appeal from any of them to any other of equal or higher jurisdiction. The judges were to be appointed by the Crown, their maximum number was fixed at sixteen, one third of the number including the Chief Justice were to be barristers, and another third were to be members of the covenanted civil service. The Act also empowered a fourth high court to be established, and the Allahabad High Court thus came into existence in 1866. The *Indian High Courts Act, 1911*, increased the maximum number of judges from sixteen to twenty, provided that 'additional' judges could also be appointed, each for a period of two years, and empowered the creation of other high courts as they might be needed. This enabled the Bihar and Orissa High Court to be established in 1916, and the Punjab High Court in 1919. In place of a high court, Lower Burma still has its Chief Court, while Upper Burma, C. P. and Berar, N. W. F. P., and British Baluchistan have Judicial Commissioners. Non-regulated portions of regulated provinces, e. g. Sindh in Bombay and Oudh in U. P., have also at the head of their separate system of law courts, the ultimate court of a Judicial Commissioner.[2]

These are the highest law courts in British India. Appeals from them to England are appeals to the King in Council, that is, under the Act for the better Administration of Justice in H. M.'s Privy Council (1833), to the Judicial Committee of the Privy Council. That Act made the Judicial Committee the one court of final appeal for all the colonies and dependencies of the empire, and persons of the highest legal talent and judicial experience in Eng-

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1 The rules, forms, scale of fees, &c., were, before they went into force, to receive the sanction of the Governor General (or Governor) in Council.

2 Chief Courts and Judicial Commissioners' courts derive their authority from Indian legislation.

land were appointed to constitute it, and were to be assisted by two retired judges, also appointed members of the Privy Council, from the parts to which the clients seeking British justice happened to belong. Sir Syed Amir Ali is the only Indian so far elevated to the Privy Council. The high court judges, additional judges, chief court judges, judicial commissioners, and additional judicial commissioners in British India numbered seventy-three at the end of 1920; and sixteen of these posts, including one chief judge-ship, were held by Hindus, five by Muhammadans, and one by a Burman. This total of twenty-two includes two Hindus belonging to the I. C. S., five Hindu barristers and three Muhammadan barristers; only twelve out of eventy-three posts have as yet fallen to Indians who could not have risen to them as civilians or as barristers-at-law.[3] This little analysis of the facts is interesting in view of the repeated admissions of the bureaucracy that "natives have shown themselves eminently qualified for the performance of judicial duties," that "the largest possible share in the administration" should be given to them, and that "in some branches of the service there is almost no limit to the share of public employment which they might properly receive."[4] Again, "the names of Dwarka Nath Mitter in Bengal, Muttuswami Ayyar in Madras and Ranade in Bombay need only be mentioned to prove that Indians have occupied seats on the benches of the chartered High Courts with distinction."[5] And yet we find at the end of 1920 that the actual figures reveal the magnificent proportion of twelve out of seventy-three, nine Hindus, two Muhammadans and one a Burman.

Mukharji I pp. 386–430.
Ilbert ch 3 part IX.

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3 Compiled from the *Indian Year Book, 1921.*

4 *Strachey,* p. 546.

5 Gazetteer IV p. 152.

§ 33 *Lower Courts, civil and criminal.* For the administration of criminal justice there are: (1) Third Class Magistrates' courts with power to inflict a fine upto Rs. fifty and imprisonment for one month; (2) Second Class Magistrates' courts with power to fine upto Rs. two hundred and sentence to prison for six months; (3) First Class Magistrates' courts which can fine upto Rs. one thousand and sentence to prison for two years;[1] and higher than these (4) Sessions Courts, as a rule one for each district, which can inflict any punishment authorised by law, subject, in the case of capital sentences, to confirmation by the High (or Chief or Judicial Commissioner's) court. The amount of the punishment mentioned indicates but roughly the various offences which each of the Courts can try. The offence of trespass, for instance, varies from a simple house trespass to housebreaking and trespass by armed men who might also cause, before they leave the house they enter wrongfully, grievous hurt or worse to one or more of the people they find there. The first offence any third class magistrate can try, the last would have to be committed to the sessions. The powers of the magistrates vary also with the nature of the offence. Defamation, for instance, is not so serious an offence as theft, but while a third class magistrate can try cases of simple theft, no one lower than a first class magistrate has power to try a man on a charge of defamation, since it is far more difficult to decide in such cases whether the offence was really committed and what should be held to be the degree of the guilt. Again, offences against the State stand in a category of their own. The lower magistrates might not have the courage and independence necessary to acquit a man when it is the State that brings up a charge against him; or even if some of them possess these qualities, few of them would be given that credit by the accused or by the general public. A court of session is therefore the lowest court empowered to

1 Their powers are greater in non-regulation areas.

deal with such cases.[2] These illustrations show that the powers and mutual relations of these courts cannot be settled on a simple logical plan, but various considerations have to be practically balanced, and a system such as will work has to be put in force by the supreme legislature of the land. For British India it is the Criminal Procedure Code that lays down the system, going into a deal of detail for the purpose. It also views a criminal trial from beginning to end and prescribes what the judge and the accused, the prosecutor and the defence pleader, the witness, the assessor and the juror, must and what each must not, as also what each might and might not, do throughout the trial. Every detail prescribed, prohibited or permitted is carefully designed for the protection of innocence and the furtherance of justice.

The magistrate has a double personality. To judge the accused judicially and impartially about the crime he is charged with and on the evidence produced and admitted is only one part of his functions. Besides this judicial capacity he has another, which might be called investigatory. Magistrates and police have to work together in the prevention and removal of public nuisances,the prevention of crime, the detection of the criminal, and the bringing up of the accused before the proper court to stand his trial; and while performing these duties the magistrates have to act as checks upon ignorant police zeal or inveterate police rascality, and to see that the police do not behave illegally or harrass people for nothing. The police must have certain powers for the adequate performance of the necessary functions which a complex modern society finds itself forced to entrust to them. But these powers are there with the police, as poison-drugs are there in the doctor's medicine chest: only the right drug is to be used, only on the right occasion, only in the right manner, only upon the righr person, only in the minimum dose, and

In some of these cases the Criminal Law Amendment Act, 1908 prescribes a bench of three judges

only for the minimum period of time. The doctor knows the potency of the drug, the rigid limitations fettering his discretion on every side, the risks of the slightest negligence, and he has no temptation to overlook these, indeed, every motive to observe them with all possible care and caution. The policeman's case is entirely different. The policeman's pursuit of crimes and criminals and suspected characters and obscure situations and shady circumstances might itself easily become the worst of crimes against law and peace and order. The watch-dog might destroy the peace of mind of the poor flock long before he actually preys upon them. Hence it is that the law links up the magistrate with the policeman at almost every step in the latter's performance of his duty; the magistrate is so to speak a heart and a conscience super-imposed upon the policeman, which the latter is bound to report to and to consult and to obey, which of its own accord asserts itself every now and then and compels its eyes and ears, hands and legs—the policeman—to better fuller prompter obedience. This is the essence of the complex relationships which the law of civilised societies sets up between their magistrates and their police officers: relationships described in quite a maze of technicalities and unavoidably involving not a little latitude of discretion in the mutual behaviour of the two parties. Lastly, a man is moulded by the work to which he sets his hand, and by the particular class of people he has to deal with and outwit. To the policeman the people around him are either criminals or people who could, if they only would, help him in the performance of his duties against criminals. And the magistrate has to restrain this police temper and attitude of mind at every step. The magistrate, in his capacity as an investigatory officer, need not quite adopt the principle which is obligatory upon the judge, that every one is innocent until proved guilty,—he has to handle matters long before they are ripe enough for submission to a judge,—but still from the point of view of society at

large, he would perform his duties all the better, if he goes on the maxim that policemen are bunglers, and so, whenever in doubt, gives his decision against the policemen and in favour of the citizen haled up before him.[3]

The magistrates in the presidency towns are called presidency magistrates, their grades, powers and mutual relations are different, there also are honorary magistrates and justices of the peace. In some provinces the village headmen and police patels are petty magistrates or *quasi*-magistrates; in cantonments, again, the difference of system is not confined merely to details and names of the posts; in N. W. F. P. and British Baluchistan local institutions, like *jirgas* (councils of elders), are utilised; but the essence of the matter is as it has been described above in broad outline.

The system of civil courts can be dealt with more briefly. (1) For many petty money-claims there are honorary arbitrators and other suitable volunteer agency, throughout a province for urban as well as rural areas. This type of civil court deserves to be carefully but widely extended with increased powers.[4] (2) For petty money-suits there are Small Cause Courts where experienced judges give quick decisions at small cost and trouble to the parties. The powers of these courts are greater in preisdency towns than in mofussil areas. (3) Presidency towns have also insolvent debtors' courts since 1848. (4) The Madras City Civil Court Act, 1892, created a City Civil Court which can deal with suits of a value not exceeding Rs. 2500, with strictly limited powers of amercement of property in execution of decrees. Such courts should be established for all the larger towns. And

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3 G. C. Whitworth. *Rajkumar Law Lectures*, lecs. 16-22; a very simple and lucid account for the beginner of the nature and purpose of criminal law, law courts, and procedure.

4 Some provinces have paid village munsifs for petty suits of this character.

we have the courts of (5) the District Judge, (in some places also an additional or assistant Judge), (6) the First Class Subordinate Judge, and (7) the Second Class Subordinate Judge or *Munsif*, for the mofussil, and (8) the High Court itself, in its original jurisdiction, for civil suits in the presidency towns. Each court has a fixed status and can entertain suits arising in a certain area and not exceeding a certain value. Every suit goes to the lowest court competent to try it but may be taken or transferred to any other court of equal or higher status. This applies to criminal cases also, and the District Magistrate and the District Judge perform the function of distributing the criminal and the civil work among the inferior criminal and civil courts in the district.

Appeals are allowed very liberally both in criminal and in civil cases. First appeals are to the next higher court; second and third appeals go to the High Court or to the full bench of the High Court, and for really important suits the party feeling aggrieved can, under certain circumstances, go up even to the Privy Council. The High Court can also order reviews, revisions or retrials, and call for an explanation of anything unusual or irregular. And special points of law are either referred by a lower to the High Court for decision, or appeals from the decision of a lower court because of some such special point are allowed. This system grew up as a result of various influences. The Supreme Court, the Chief Court, and the High Court, when introduced, were in advance of the requirements of the country, the feeling was that government owed to the people a better administration of justice than had till then been provided, these new institutions were the instruments through which the reformation was to come about, and it was natural to allow people to profit by the new blessing as much as possible. The codes of Civil and Criminal Procedure when first introduced were also a big step in advance. Even in the

regulated provinces, "the evidence was (till then) taken by uneducated *mohurrirs* and read over to the judge, whose judgment was afterwards written by the *sarishtadar*. The judge thus tried after a fashion perhaps five or six cases at once. Such a system was not simple substantial justice unfettered by forms, but, it seems to me, a mere imitation of justice in which the correctness of the judgment must have been very much a matter of chance."[5] But that no-system was what the district magistrates and judges all over the country had been accustomed to, and it was felt that some years at least must elapse and a new younger set of people accustomed to the stricter system of the new procedures must grow up, until the courts could be fully trusted and left as a rule to themselves. Thirdly, when from the time of Lord William Bentinck Indians who had obtained some instruction in law came to be appointed as munsifs and subordinate judges, the people in the beginning looked at them askance, and they wanted a decision from the *Huzur*, either the magistrate or the judge. Lastly, the judge has to decide after all according to the evidence; unless the evidence is full and fairly reliable, no conceivable system can educe a right decision out of it. Now, in the old days which are delineated for us in the writings of the age of Sleeman and Meadows Taylor, the Englishman went into the village community or the bazaar, the craft-guild the temple or the fair, he appeared on the spot only a little while after the dispute arose, and the complainant, the defendent, their witnesses, the elders and repositories of custom, the learned in the law, public opinion and social and religious influences, were all there, every detail came out and was checked, and in that full glare of the Indian sun beating equally upon all, the gods whom Indians acknowledged were also present, the pieties and chivalries Indians responded to were also felt, the complainant was fain to

5 Sir J. Stephen's *Minute*, ch 2.

reduce his complaint and the defendent to admit his responsibility as far as possible, and the Englishman had the happy privilege of being the universally respected medium through whom the good sense of the community as a whole corrected its more violent and erratic members, and maintained peace and executed justice. These idyllic conditions, however, could not last. The heroic dawn of *shikaris* and *budmash*-hunters who were also Daniels was transitory, and gave place to a morning during which the administration of justice was given over to the *mohurrir* and the *sarishtadar*. The educated munsif and subordinate judge were a vast improvement upon these, but, in the meanwhile, that other vital condition of seeming full and fairly reliable evidence, had somehow slipped out of the fingers of our foreign centralisers. Not that they were not aware of this. Campbell noted in 1852 '—

"The longer we possess any province the more common and grave does perjury become, and the more difficult to deal with. The judicial oath, as it is used, does not in the very least affect the evidence. And yet this is not because the religious sanction of an oath is unknown to the people. On the contrary, it was nowhere stronger; and this is another of the changes caused by our system. In a new country, among the Jats of the North, I found that a solemn oath was astonishingly binding. Nothing was more common, in cases of cattle-raid, than for the plaintiff to demand the oath of the headmen of the suspected village. He took them out of court to some sacred place, or made them lay their right hands on the heads of their sons, and there in the face of their people swear a solemn oath. If they did so, the plaintiff was perfectly satisfied. If the cattle had really gone to the village, the headmen would not swear, but made private restitution and produced the plaintiff's written declaration that he had become satisfied of their innocence. But such binding oaths do not exist in our older provinces."[6]

They existed in full force in the pre-British days, the headmen, their solemn oaths, and their influence with the people. They survived into the British system for some time, but they did not suit the British centralisation of all authority and influence into Birtish hands, and lingering on for a space, long or short, according to the sturdiness

6 P. 486.

of the people, disappeared throughout British India. One consequence was, in Sir J. Stephen's words, that the "people appeared to regard falsehood in a European court as absolutely no crime or sin at all."[7] And it is to this that Sir J. Stephen himself principally attributes the liberality shown by the codes in respect of appeals. "The consciousness of this fact (that because of the unreliability of the evidence failures of justice must be 'very frequent') has, no doubt, coloured all legislation on procedure. Each of the codes of procedure proceeds upon the notion that an elaborate and intricate system of appeal is a security for the administration of substantial justice." [8] "Appeal has apparently been always regarded in India as the one remedy for the defects inherent in an administration of justice specified above."[9]

One of the considerations repeatedly advanced in the official literature on the subject is that the absence of a press and of a strong bar in India left the careless, incompetent or corrupt judge without any check, and it was therefore necessary to give the client an extensive right of appeal. This was perfectly true in the sixties of the nineteenth century. It was also the case that the laws and the procedure then recently enacted were not very familiar to the Indian and Civilian judges of the day. The need to centralise was also at the time paramount. Lastly, a new conception of law, a new ideal of the supremacy of law had to be introduced amongst an alien people. Thus, historically speaking, the new system of the administration of justice had ample justification. There might be reasonable difference of opinion about some of its features, and more of its details, but its fundamental principles and the broad outlines of the organisation by which they were applied to the functions undertaken, could hardly be impugned.

7 Ch. 3.
8 Ch. 3.
9 Ch. 5.

But like the political constitution created for the governance of India at the same time, this judicial system has been maintained almost unchanged throughout the period from 1858 to 1920. Why? Reasons for improvements were accumulating fast decade by decade. The judges, the lawyers and the people had all progressed at a phenomenal rate during the interval; but the system remained as it had been planned when introduced, although many of the grounds on which some of its most questionable features were defended then were admittedly of a purely temporary character.

The blame must rest to some extent at least upon Indian lawyers and barristers and judges as a class. The Indian bar has not yet developed sufficient corporate sentiment to enforce a high standard of professional morality or to restrain and reclaim and reduce the number and the influence of the black sheep among them. If the people have taken full advantage of the right of appeal, if they have failed to get the full benefit out of the facilities for arbitration allowed by law, if they can still be charged with litigiousness and an insufficient regard for truth and fair play, and a readiness to adopt any means to gain their suit or gratify their grudge, the lawyers without whose advice they dare not take a single step in such matters, cannot be acquitted of all blame. Indian lawyers have proved themselves good citizens and excellent patriots and rendered most invaluable services to their country politically and socially. Let them prove themselves equally good citizens and patriots *even as lawyers*.

It might be objected that 'public spirit even as lawyers' is but a phrase, and that 'restraining, reclaiming and reducing the numbers and influence of black sheep' is rather a tall order. So we might give a little space to another concrete suggestion, just one, but equally far-reaching in character. "Of what use" asks Sir F. Lely, "is the extinction of bribery if it is replaced by stamps

and fees to pleaders? I have myself seen the accounts of legal expenditure incurred by a small landholder in fighting through all the courts for his son who was charged with murder. The total amount was Rs. 7,882-8-0,[10] which of course meant hopeless debt."[11] The stamps and the charges for certified copies of papers &c., are matters for government, and it is of course scandalous that Government should charge so much in this poor country on all such counts in criminal and civil cases as not only to recover the cost of their extremely topheavy dilatory and wasteful department, but even to make a net income. The plea that high costs check litigiousness is a mere sophism and is twin-sister of the plea that high excise rates check drunkenness. But the 'fees to pleaders'? No one wants criminal lawyers to abate a pie of their gains from forgers, gamblers, and other pests of society; honest men with the instincts of gentlemen should feel a reluctance to try to defend such people and would be perfectly justified in charging fancy rates for such unpleasant though necessary tasks. But amongst the accused there always are—and there always will be until the police department become nationalised—a high percentage of people who are really innocent, and not a few who are, moreover, really deserving of the greatest sympathy and all possible help. Have lawyers as a class ever attempted to distinguish such cases and treat them differentially? How can they expect the public to show real sympathy for them as a class, if the only social rule they habitually follow is to make the maximum profit out of their neighbour's difficulties and misfortunes? Lastly, it is in the hands of the practising rank and file of the profession, much more than in the hands of legislature and judiciary combined, to give the country, in Dalhousie's pithy words, "a system of

10 By no means an unusual amount. Again, in civil suits about houses and lands, the costs often exceed the value of the property in dispute many times over.

11 *Suggestions*, p. 27.

justice which will satisfy common sense." How can they expect the public to feel sympathy for them as a class while in the performance of their daily duties they behave as ministers and guardians of mere forms and ceremonial rather than of substantial justice ?

Chailley Bk. II chs 4 and 5.

§ 34 *Separation of Functions.* In the ryotwari provinces the officers of the revenue department are also the 'judicial courts' from whom people have to try to get redress against themselves. For such a union of functions there can be no defence, and it ought to have been discontinued at the earliest possible moment after a division or even a district had become fairly settled. Again, in the Bombay Presidency, if a ryot felt after a new settlement of the revenue that his assessment had been fixed too high, his only remedy was a petition to the Revenue Department, which forwarded it 'for report' to the Survey department, and there was no reply.[1]

" for at least a year, often for much more. The official feeling was that too much encouragement would bring down a swarm of, often vain, petitions far too numerous for the existing staff to cope with, and the popular feeling was that the Survey Department would not be ready to admit their own mistake. It was too like appealing to a judge against his own decree.. The disinclination to stir up the mud after the work has once been fairly well done was natural, but should not be allowed to weigh against the honour of Government even in small things...Herein is a weak place which must be made good."

The Joint Select Committee of the houses of parliament appointed to consider Mr. Montagu's Government of India Bill, 1919, observe in their Report—

" that the imposition of new burdens should be gradually brought more within the perview of the legislature. And in particular.. they advise that the process of revising the land revenue settlements ought to be brought under closer regulation by statute as soon as possible. At present the statutory basis for charging revenue on the land varies in different provinces; but in some at least the pitch of assessment

1 Sir F. Lely, *Suggestions* p. 51.

is entirely at the discretion of the executive government...The people who are most affected have no voice in the shaping of the system, and the rules are often obscure and imperfectly understood by those who pay the revenue. The Committee are of opinion that the time has come to embody in the law the main principles by which the land revenue is determined, the methods of valuation, the pitch of assessment, the periods of revision, the graduation of enhancements, and the other chief processes which touch the well being of the revenue payers"[2]

The claim of the Government of India has all along been that the right to land revenue was an immemorial right of the State in India, that they succeeded to it by conquest, that the Indian States whom they replaced were autocracies who did not tax people by legislation, and that this was one of those prerogatives of the Indian State which was theirs independently of parliament or of the legislatures set up by parliament. But the Government of India Act, 1920, has cut away these foundations from under them. A new era is beginning. The recommendations of the Joint Committee quoted above will have to be carried out at no distant date. And the popular legislatures who will make the enactments will also consider at the same time, whether the ryot having a grievance against the Revenue and Survey Departments should have Arbitration Courts to go to, manned by the elders of the people, or at least judicial courts manned by officers independent of those departments, or whether the present system was to continue unchanged.

A question that has excited far greater controversy is the union of executive and magisterial functions, which distinguishes the organisation of the district administration. The principal revenue officers of the district are also magistrates. And the subordinate judges who might be magistrates are in their magisterial capacity the subordinates of the civilian head of the district, who is both Collector and District Magistrate. This "strange union of the functions of constable and magistrate, public

2 P. 12.

prosecutor and criminal judge, revenue collector and appeal court in revenue cases" [3] has been repeatedly condemned from the time of Lord Cornwallis. Mr. (afterwards Sir J.) Grant condemned it in 1854, pointing out that the union of functions had become all the more objectionable since the judicial powers of magistrates had been "raised six times higher than they were in the days of Lord Cornwallis." The Court of Directors advised a little later (Despatch No. 41, Judicial, September 1856) that the administration of the land revenue should be separated from the police, and that the management of the police should be taken out of the hands of the magistrate. But the Police Commission of 1860 came to the conclusion that the union, however anomalous and indefensible, was, in the circumstances of India, unavoidable, as a practical and temporary convenience, at least in the exceptional case of the district officer. Act V of 1861 thereupon gave fresh legislative authority for a system which has continued ever since. In the debate on the second reading, Sir Bartle Frere said on behalf of the Government, "it was one thing to lay down a principle, and another to act upon it at once and entirely, when it was opposed to the existing system, to all existing forms of procedure, and to prejudices of long standing... He hoped that at no distant period the principle would be acted upon throughout India as completely as his hon. friend could desire." The hope, remarks the weighty memorial from which the above quotations have been taken, has yet to be fulfilled.

It is impossible to find space for a history, however brief, of the efforts made by Indian public opinion to get this union of functions altered. But gradually the ruling

3 From the Memorial on the subject to the S. S. for India submitted in 1899 by Lord Hobhouse, Sir Richard Garth and others; quoted *in extenso* in Abdur Rahim's Minute of Dissent, *Islington Commission Report*. The memorial was one of the results of the persistent efforts of the Indian National Congress to enlighten and organise opinion in England and India on the subject.

bureaucracy have themselves become divided on the subject. Thus, in the budget debate in the central council in 1908 Sir Harvey Adamson, the member of council in charge of the Home Department, admitted:

"The exercise of control over the subordinate magistrates by whom the great bulk of criminal cases are tried, is the point where the present system is defective. If the control is exercised by the officer who is responsible for the peace of the district, there is the constant danger that the subordinate magistracy may be unconsciously guided by other than purely judicial considerations... It is not enough that the administration of justice should be pure; it can never be the bed-rock of our rule unless it is also above suspicion."[4]

The theoretical case in favour of a separation can hardly be put more strongly.

Another important fact is that the union does not prevail to the same extent all over British India. "In the presidency towns separation is an established fact. In Madras it already exists in the lower grades. In Bengal where there is already complete separation so far as the provincial civil service is concerned,[5] additional district magistrates have been established in certain areas. Administrative exigencies will doubtless carry the process of separation further, stage by stage."[6]

In the new era that is dawning we may reasonably look forward to a reformed police department, the higher posts in which are manned in increasing numbers by Indians with a high sense of public duty; the number of

4 Quoted in Abdur Rahim's *Minute.* Lord Curzon wished the question "to be taken up and dealt with in my time," but it was one of the questions he could not handle as he had to resign his post soon after he began his second term of office.—*Raleigh* I p. 137.

5 Evidently, Bombay is herein behind both Madras and Bengal, here the union prevails in the subordinate as well as the provincial grades, for revenue officers of both grades are armed with magisterial powers, and as Sir M. Chaubal pointed out in his dissenting Minute, their legal training (excepting those few cases amongst them who had a law degree) left much to be desired. *Islington* Report, I. 237-8.

6 *Islington* Report, I. 194-6.

Indians in the Indian Civil Service itself will also increase though not so quickly nor to the same extent. Under these circumstances, the question of a separation will enter upon a new phase altogether. As the analysis in an earlier section will have shown, the crux of the problem is the amount of power which must be given to the police for the prevention and investigation of crime: the problem is how to restrain abuses of that power. If the superior ranks of the police and their superiors,—the half a dozen men at the head of the executive administration of a district—know the people, sympathise with their aspirations, and can inspire trust in the minds of the popular leaders and representatives of the district, the popular demand that the power to check abuses of these powers be handed over to the judiciary, and the departmental demand, that the executive officers be also armed with the judicial functions of trying accused persons, will both weaken in force; and honorary magistrates will at the same time increase in numbers and influence and can also be entrusted with wider and higher functions than at present

J. Ramsay Macdonald ch. 14.

Chesney ch. 9.

§ 35 *Privileged position of European British subjects.* It has been remarked times without number that under the Hindu Law Brahmans had privileges intolerable in any civilised community and that under the Muhammadan law non-Muhammadans had equally intolerable disabilities. But—let him alone cast stones that is himself really above reproach. Every empire-builder has sinned more or less against liberty and justice and humanity and for a longer or shorter period. The only difference is that while some have done so frankly and openly, others have done so otherwise, and it is purely a matter of opinion and standpoint whether to look upon this additional feature as mere

hypocrisy, and even so, whether to regard it as giving the sin a deeper tinge or rather as the homage that vice renders to virtue. Much more important and infinitely more helpful it is to study in the first place all the circumstances under which the original injustice arises, and in the second place the historical process by which the initial sin is slowly but surely attenuated and refined away. By handling the facts in this large and connected manner constitutional history reveals the higher truth-the higher justice-as it is in process of development, increases the strength, accelerates the pace and improves the quality of that development, and best performs its civilising mission of spreading broad-minded toleration, fraternal understanding, and political patience linked with a reasonable and continuous upward political endeavour towards the ideal.

The Europeans who accepted the Company's service and came to India were placed under the Company's jurisdiction from the very first charter, and the extent of this jurisdiction was increased and defined more fully by later charters as experience indicated the directions in which such additional powers were necessary. The independent European appearing within the geographical limits assigned to the Company was a transgressor of the monopoly legally assigned to it and the Company could confiscate his goods, seize his person and bring him back to England.[1] The next step was, the Company was empowered to set up courts so constituted that there was to be at least one lawyer sitting on them. These were followed by mayor's courts and by the appointment of the president and members of his council as justices of the peace. The Supreme Court at Calcutta succeeded, a King's Court with full jurisdiction criminal and civil over all European British subjects. Finally, the charter of 1793 allowed British inhabitants not in the Company's service to be nominated

1 Act III of 1864 still empowers Indian governments to order any foreigner out of British India and compel obedience.—Ilbert p. 88.

J. P. s in all presidencies, and every such J. P. was to serve in the presidency and in the places subordinate to it named in his commission of appointment (§ 151).

With the charter of 1813 the number of European British subjects settling in India increased; the Company gave them every facility for settling down permanently as planters and in similar capacities. A Eurasian community had also been springing up at a fairly rapid rate. And the charter of 1833 was expected to bring further large additions to the permanent settlers as well as the temporary members of the class. Lord Cornwallis, we have seen, had organised the administration of justice systematically and improved the personnel. Haileybury and Addiscombe had begun to send out civil and military officers of a far better type, and Wellesley and his contemporaries had inspired them with higher ideals. The district judges were in every case [2] to be officers belonging to the covenanted service and the educated Indians whom Bentinck had begun to appoint under them were doing excellent work and showing a remarkable moral advance upon the older class of Indians in the Company's service. Under these circumstances government took the first step towards reducing the exceptional position of the European British subject, by passing an Act which has come to be known in history as Macaulay's *Black Act*, 1836.

In the presidency towns the European British Subject had no privileges, as all alike were under the jurisdiction of the Supreme Court. In the mofussil, however, they could bring civil suits against Indians, but if Indians brought such suits against them, they could plead that the local court had no jurisdiction over them. This meant that the Indian had no legal remedy unless, however small the amount, he could move in his behalf a court that

2 The provincial courts were abolished, 1831.

was far off, and very slow and costly[3] besides. It was this state of things that Macaulay's Act XI of 1836 put to an end. The opposition to the measure was confined to the European inhabitants of Calcutta and was of a character[4] that could be ignored. A petition from them to the house of commons led to a motion for an inquiry into the operation of the Act, which fell through without a division (22-3-1838).

As soon as the penal and criminal procedure codes had been passed a similar reform to bring this privileged class under the same criminal courts as the rest of the population became possible. The amalgamation of the sadr and supreme courts into the High Court deprived the community of the strongest technical ground in favour of the exceptional immunity they had enjoyed. And their brutal behaviour at the time of the indigo-riots (1860-1) had shown how urgently a reform was needed. But during the generation that had gone by, they had increased in numbers and in influence; the old antagonism between the Company's servants and other Europeans had become a thing of the past; the recent experiences of the Mutiny had created a fraternal feeling which had drowned for the moment the pride of the true blue European;[5] and

3 For the ruinous costliness of the Supreme Courts of Calcutta and Madras see a quotation from Macaulay's minute on the subject of the Black Act,—*Strachey*, p. 117.

4 Trevelyan, *Life and Letters of M.* ch 6, pp 287-9.

5 Chailley shows the perspicacity of the French intellect in noting that Englishmen "only regard as real English those who are so twice over, by blood and by surroundings. This distinction does not appear in the laws,...but it exists all the same." The children of English parents brought up and educated in India are "treated as English of India and esteemed inferior to the English of England" (pp 534-5). According to the legal definition, a master-piece of jingo classification for which India has to thank Sir J. Stephen, a European British subject is a British subject born, naturalised or domiciled anywhere in the Empire, except Asia and Africa—counter exceptions: Cape Colony and Natal—or any child or grand-child of any such person by legitimate descent. As Chailley has commented, the definition "would include a Zulu!" (p 460). And we might add that it is quite impossible to say offhand whether General Smuts, for instance, would be included

Englishmen—and Englishwomen, too—were in the first flush of a new hope just dawning before their eyes, that here, even in this land of exile, they might build up dear little Englands in many a place where they could lead all by themselves just the same life as in the home-land.

One condition appeared necessary to the realisation of so sweet a dream: the complete exclusion of Indians from these green little areas scattered all over this vast country: that condition, however, was the *sine qua non.* Nor was it they thought really much to ask of the Indian, in return for all they had done and were going to do for him, to allow them such exclusive enjoyment of a few hundred patches like that out of his vast country, some of which, moreover, he, left to himself, would never have cared to occupy.[6] But their predecessors, before whose eyes a possibility like this had never dawned, had had other dreams and visions in the course of their strenuous lives, which they had given out from the house-tops. Eloquent speakers had given expression to them from their places in parliament, and parliament and Crown had turned them into solemn laws and sacred promises which had been communicated to Indians in the most public manner with every circumstance of impressive pomp and binding ceremonial. Even when parliament passed that schedule which created the covenanted servants into a closed service, they would not debar Indians as Indians from competing at the examinations; and the spirit of the times was such that a committee of the first members of the India Council actually recommended that the competitive examinations should be held simultaneously both in India and in England, and that "in justice to the Natives three colloquial oriental languages should be added to the three modern European

6 Simla, for instance, which the army officers discovered, and Sir John Lawrence began regularly to make the seat of the government of India for several months every year.

languages" in the examination.[7] And though that report was not acted upon, it was even forgotten, parliament and ministers were, they perceived, not going to let well alone. Noticing that a decade had gone by and Indians had found it very hard indeed to enter the covenanted service,[8] the Duke of Argyll provided in the Act of 1870, "additional facilities for the employment of natives of proved merit and ability" in some of the highest posts listed in the schedule, without their having to succeed at the examination in England. The Englishmen in possession in India delayed taking action upon this as long as possible, but they knew it could not be suppressed altogether as had been the report of 1860. Hence what they attempted was to nullify it in effect in an indirect way. It is a very instructive case of executive ingenuity trying to get round legislative liberality. The Criminal Procedure Code was then under consideration for various amendments, there was no King in Israel—Lord Mayo had just been assassinated, and the officiating governor general, whatever his own views, had not the power to set aside a majority of the council—and these peculiar circumstances were seized, and *section 443 of the code* was drafted so as to make it impossible for an Indian even though a member of the covenanted service and a district magistrate, to try any charge in the mofussil against a European British subject. The immunity the European had enjoyed ever since Mir Jaffar's fateful conspiracy, and outside Calcutta even after the Supreme Court had been established, was thus surrendered, and he was made amenable to the criminal law even in the mofussil, but on condition that the officer trying him was himself a European. The introduction of this racial bar

7 Sir J. Willoughby, Sir E. Perry, and Messrs Mangles, Macnaughten and Arbuthnot were the Committee; the report is dated January 20, 1860.

8 Tagore was the first successful Indian, for several years after him no one else succeeded.

created a smaller body of pure Europeans with full powers, inside the body of covenanted civilians, whom the supreme legislature wanted to dilute with the introduction of Indians to their ranks. The motive was the spirit of exclusion and superiority which was growing up fast under the influence of the *memsahib* and of such natural but greedy measureless and impossible dreams as have been sketched above. And the bar was put up in such a manner that these Indians, though brought to their high offices by the supreme legislature and their own merits, would yet feel their racially inferior position perpetually as an unbearable indignity. The manner in which this amendment was passed was as remarkable as its provisions. It was passed by seven votes against five, but the five dissentient votes were the votes of a majority of the executive council, each of whom also spoke in support of his vote. The officiating governor general (Lord Napier of Murchistoun) and Sir B. Ellis said the new section was a stigma on the educated native of India. The Lieutenant Governor of Bengal (Sir George Campbell), the Commander in Chief and Sir Richard Temple said that Indian members of the covenanted service should be accepted as real members of it. But Sir John Strachey and Sir James Stephen had their majority and they triumphed.

In another ten years the number of Indians in the covenanted service increased to nine : six in Bengal, two in Bombay and one in the U. P., the statutory civilians appointed from 1879 raised the total to thirty-three, and under the Act of 1870 it was expected that these numbers would go on increasing until Indians filled one-sixth of the covenanted appointments. Besides, the racial bar had already created difficulties in the way of promoting three of these to appointments which they had from every other point of view fully deserved.[9] The Bengal Government,

9 See *Life of R. C. Dutt*, ch 4.

where the difficulty had first arisen, proposed that the racial bar should be removed and all district magistrates and sessions judges, Indian as well as European, should have the same criminal jurisdiction over European British subjects. All other governments concurred, with the single exception of Coorg, and thus arose the *Ilbert Bill*, which was referred to the Secretary of State in Council, and when approved of by them, introduced into the legislative council by Lord Ripon's government in 1883. The European community all over India at once rose up against it as one man, and started an agitation unprecedented in its violence. Indians had not dreamt that apparently reasonable and self-restrained people should, when excited by mass-feeling, be so carried away by pride of race and contempt for themselves. The provincial governments urged that racial feelings should be somehow pacified at any rate for the moment, the executive council gave way, suggestions for a compromise which had been received from Bombay and in one particular from Madras were acted upon, and when the Bill became law as Act III of 1884, it provided that European British subjects might be tried by district magistrates or sessions judges, whether Indian or European, but they could in every case, however trivial, claim a jury, half of whom at least were to be Europeans or Americans. The bar against Indian covenanted or statutory civilians was thus removed, but only by the creation of a new privilege in favonr of the European British subject, a privilege peculiar to India, for no Englishman can claim a jury in England itself in a magistrate's court. Kristo Das Pal, Syed Amir Ali, and Raja Shiva Prasad pointed out in the course of the debates that this would in many cases mean a failure of justice. A jury is a suitable instrument in the administration of justice only when its sympathy for the accused is moderated by a sympathy for the injured party and a patriotic regard for the true interests of the general public. Anglo-Indian juries have not been exemplary

juries in this sense, and there have been one knows not how many hundred cases in which, while the injured Indians have died or suffered grievously, the juries have not been able to see anything beyond simple hurt or mere accident. Lord Ripon, however, while admitting that if failure of justice occurred to any extent under the new Act, "it would undoubtedly be an intolerable evil, did not think such fears well founded," and no successor of his has yet found it possible to reopen the subject.

Proceedings G. G.'s Legislative Council, 1883-4.
K. T. Shah *Governance of India*, ch 7.

CHAPTER VIII

LAND REVENUE.

§ *36 Village India.* From the law courts with their shrewd unreliable witnesses, contentious lawyers and the judge, mild and slow, under the *punkha*, we pass on to the villager and his fields, his children growing up in squalor almost like cattle, his cattle sharing the same room and the same affection as his children, and the dust and the glare over all. India is primarily agricultural. Of the population of India seventy per cent live directly by agricultural occupations, and at least fifteen per cent. more by occupations nearly allied to agriculture. The same broad feature reappears in another aspect when we find that of the total population eightyfive millions live in four hundred and thirty thousand villages, each sheltering less than five hundred souls, and sixty millions more live in 77000 villages, each sheltering from five hundred to one thousand souls only. [1] In the whole of this vast land

1 There are said to be 728,605 villages in British India with an average population of 364 each, *Dyarchy*, p. 240.

there are not two thousand places with a population each of five thousands or more. This is all the more surprising when we find how densely the people are crowded together in large parts of the country. Bengal has an average density of 413 to the square mile, with a maximum density of 656; U. P. has an average density of 445, with a maximum of 751. The predominantly agricultural character of the country stands revealed once more from another point of view when we find that the population living by textile and similar industries is not yet ten millions, by commerce, transport and building occupations, not yet eight millions, and by mines, metals, glassware, earthenware, &c. not yet five millions.

§ 37 *Pre-British Land Revenue.* In ancient times the village community inhabiting each of the Indian villages was self-governing. The small percentage of the non-agriculturists included in the village, such as potters, carpenters, barbers, druggists, priests &c., rendered important services to the villagers, and were paid in kind for each service rendered, or by periodical shares in the crops, or by an assignment of fields in the village. The state and its officials were also paid in kind by shares in the crops. We find in the ancient books $\frac{1}{12}$th, $\frac{1}{8}$th, $\frac{1}{6}$th, $\frac{1}{5}$th, $\frac{1}{4}$th, and $\frac{1}{3}$rd mentioned as the legitimate share of the State.[1] Irrigated crops and other rich crops were taxed at a higher rate. The cultivable land was also arranged in classes according to quality, and the superior lands bore higher rates. Lastly, the organisation of the primitive Indian State was quasi-feudal, so that some of its officials were paid, by the State relinquishing to them its own share of the produce in one or more of the villages. Thus, what we now call land revenue and jagirs or zamindari have existed in India from times immemorial. Money payments

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1 See *Manu* VII 115-124; 128-133; X 118-20; and similar passages in the other law-givers.

instead of shares of the harvest, and assessments uniformly levied for a whole cycle of years, were also known in pre-Muhammadan times. In fact, the celebrated land revenue settlement of Akbar and Todar Mall was copied with improvements from the earlier settlement of Sher Shah, and his was only a systematic organisation of the indigenous system that had prevailed from pre-Muhammadan times in the Gangetic plain. And, later, when the Mogul empire extended this system to the Khandesh, Berar and Ahmednagar Subas, it was varied and improved to suit those districts in accordance with the earlier system of Malik Ambar, which itself was the lineal descendent of the settlements of the old Yadava, Rashtrakuta, Vijayanagar, and Chola kingdoms.

When the East India Company succeeded by conquest and treaty right to the position of the sovereign, first in Bengal and later in other parts of India, they found that land revenue, customs, and a few monopolies like that of salt, were the only recognised and traditional modes for the state to derive a regular income from the population. The old system had many merits when administered by a strong state like the Mogul Empire. But with the decay and downfall of that empire, as also of the kingdoms that had succeeded it in every part of India, all regular administration vanished, and there was corruption and oppression everywhere. All records, all rights, all customs, all checks, all co-ordination had disappeared. The officials of the state and the money-lenders who advanced to the state the proceeds of whole districts and then tried to recoup themselves from the villagers, squeezed the villagers all they could, while paying as little into the state coffers as possible. The villagers also resisted payment as much as possible. Predatory bands large and small ranged over the country at all seasons, and India which had prospered wonderfully for a century from about 1575 to 1675 had already by 1750 sunk back into the depths of poverty. Extensive provinces were becoming

overgrown with jungle, famines were frequent, wars were incessant, and population and cultivation were shrinking up at an alarming rate. With each province, as the East India Company came into possession, its first duties as ruler were (1) to guard the frontiers, (2) to suppress and prevent internal disorders, and (3) to settle the population on the land as quickly as possible, in order that agriculture, industry, trade, population, and wealth might revive.

§ 38 *The Permanent Settlement.* The East India Company undertook the revenue administration of the Lower Provinces in 1765. They found that the Nawabs had handed over the collection of the revenue from the villages to the highest bidders at annual auctions. The Company kept up this system of farming, in spite of its grave defects, for seven years; but in 1772, when they had acquired some knowledge and insight into the matter, they made a settlement for a period of five years. This, however, turned out a failure, and annual settlements were resumed, until in 1789, they made a settlement for a period of ten years. And this settlement was, by a proclamation of the twenty-second of March 1793,[1] declared perpetual. This is the well-known Permanent Settlement of Bengal, and as, under it, a Zamindar, and not the ryots actually tilling the soil, is responsible to the State for the annual land revenue from his zamindari, it is also known as the Zamindari system. In 1795 the Zamindari system was extended to Benares, and in 1802 to parts of the Madras presidency. Altogether, about one-fifth of the assessed area of British India is under this system.[2]

Bengal is a land altogether dominated by its great rivers. On account of their floods, the fields in Bengal have

1 This proclamation was reissued a little later as Regulation I of 1793.

2 Five-sixths of Bengal, Behar, and Orissa; one-eighth of Assam; one-tenth of U. P.; and one-fourth of Madras; together amounting to one-fifth of British India, and including the richest part of it *Dyarchy*, p. 248.

an ever-shifting character; a twenty or thirty years' settlement there is altogether out of the question. On the other hand, for a fresh and equitable settlement every three or five years, a detailed survey would be necessary every time, and the Company's establishments in those days were too small, too ignorant of India, too corrupt, to attempt such a vast and technical undertaking with the remotest chance of success. The famine of 1770 had been an awful calamity, large areas were still jungle, and both agriculture and commerce appeared to the best observers to be in a state of rapid decay. To the Company in those days a regular and certain income, practically without any trouble to collect it, was of incalculable value. To create such an income it was absolutely necessary to bestow on the zamindars valuable property rights in the land. It was also thought advisable to strike the imagination of the people of India from one end of the continent to the other, by conferring on the subjects of the Company in Bengal such rights as no ruler of India had ever granted in the past. Nor is this merely a surmise. The Court of Directors were fully aware that under the Mogul government the zamindars had "a certain species of hereditary occupancy, but the sovereign nowhere appears to have bound himself by any law or compact not to deprive them of it, and the rents to be paid by them remained always to be fixed by his arbitrary will and pleasure, which were constantly exercised upon this object...Though such be our ultimate view of this question, our originating a system of fixed equitable taxation will sufficiently show that our intention has not been to act upon the high claims of Asiatic despotism. We are on the contrary for establishing real, permanent, valuable landed rights in our provinces; for conferring that right upon the Zamindars; but it is just that the nature of this concession should be known, and that our subjects should see they receive from the enlightened principles of a British Government what they never enjoyed under the happiest of their own." And

again, "in giving our opinion on the amount of the settlement we have been not a little influenced by the conviction that true policy requires us to hold this remote dependent dominion under as moderate a taxation as will consist with the ends of our government." [3]

It has been frequently asserted that the decision was to a large extent influenced by the fact that English landlords like Cornwallis and Pitt were naturally predisposed in favour of landlordism. But those who examine the voluminous reports, minutes and other papers of the time incline to the view of Sir John Kaye that "it was emphatically the work of the Company's civil servants—members of the middle classes who had come out to India in their boyhood—and they had been incubating it for a quarter of a century." [4] Amongst their motives the political one of conciliating the middle and higher classes of the population, who had helped materially in the establishment of the Company as the ruling power, and "had not foreseen that the conquerors would exclude them from offices of state and command of troops," finds repeated mention. And it was fully intended that the subordinate rights of the tenants under the Zamindars were also to be safeguarded. The historical outcome of these various influences was the permanent zamindari settlement of Bengal. Under the system the land is the property of the Zamindar. He could sell, mortgage, and bequeath it at will. The only defect in his full ownership was that the state had a charge upon it of a certain fixed annual revenue, to be paid on a fixed date; this the state solemnly pledged itself never to

3 From paras 20 and 21 of their despatch of 19-9-1792. See also para 47, where they further observe that "this degrading struggle for taxes and rents" which had perpetually occupied the government, had denied it the "leisure to turn its cares to other functions of the ruling power, to the internal regulation of the community, the establishment of wholesome laws, and the due administration of them." Mr. L. C. Ray has reprinted the Despatch in his *Permanent Settlement of Bengal* (1915), pp. 41-70.

4 Kaye *Administration* pp 163-199.

increase at all; but if the Zamindar failed to pay it punctually, the state was empowered to sell off the estate by auction. The Zamindar was to realize rents from his cultivators; he had to grant them written agreements, and was to respect their customary rights and privileges, nor was he to exact extortionate rents from them or oppress them.

As noted above, Benares and some of the northern districts of the Madras presidency were also placed under the Permanent Settlement. The total rents the zamindars were expected to realise from their cultivators, at the time the system was introduced, were set down at about Rs. five and a half crores; and the settlement was, that out of this they were to pay to the state as land revenue ten elevanths, or Rs. five crores, keeping only half a crore to themselves. But population was expected to increase and cultivation to extend, and the zamindars were to find their gain in stimulating this process energetically, for all the extra rents they thus obtained were to remain in their own pockets. This expectation has been justified by the event. During the ten to thirteen decades that have gone by, cultivation has extended, population has increased, and Bengal especially has prospered to such an extent, that the zamindars now receive from their tenants, let us say, Rs. twenty crores.[5] And the State is debarred by its solemn pledges

5 The figures given above do not claim to be exact. Statistically and chronologically exact figures do not often give the pith of the matter as simply and clearly, as figures used with a certain freedom, but chosen, nevertheless, with great care. Such rounded figures have the further advantage of enabling a summary statement to be made that would be substantially correct for relatively long periods; for the actual figures are of course different from year to year.

The annexed table gives the actual figures for one district, the district of Faridpur, at the northern angle of the Bay of Bengal, area 2464 sq. m., population (1901) over two millions, cultivated area 1·6 million acres.

In 000 Rs.

Year	Total Rental	Government Land Revenue	Zamindars' Income
1793	660	600	60
1906–10	3,000	600	2,400

—J. C. Jack *Economic Life of a Bengal District*, 1916, pp. 115-6.

from taking from them a pie more than the originally fixed five crores. Thus the Zamindars now derive an annual income of Rs. fifteen crores, a sum that is thirty times the income that was originally left to them. In Hindu and Muhammadan Law brothers are equal sharers in the property of their father, and so the permanent settlement has created in the parts of India where it prevails, a strong and well-to-do middle class.

§ 39 *Tenant Right.* From the first there were layers of intermediaries between the zamindar at the top and the mass of cultivators actually tilling the fields of the estate at the bottom. As it came to be realised that the peace and security established by British rule were of a more durable and thorough-going character than ever before within historical memory, the number and variety of these intermediary tenure-holders under rights acquired from those immediately above them went on increasing. In fact, the extension of cultivation and the settlement of the increasing population on waste areas within the zamindari went on through the legal and contractual medium of the creation of a jungle of intermediaries. At each stage, the layer of intermediaries immediately above the actual cultivators supplied the active and energetic managers—all intermediaries above them were mostly absentees who merely drew their quota from the produce of the land—and these forceful newcomers to whom was due the increasing production, took out of the cultivators all they could extract from them, in order to have for themselves as large an income as possible, in excess of what they had contracted to pay to the layer of intermediaries immediately above. Secondly, in the old unquiet days of armed bands roaming unchecked and living on the fat of the land and destroying far more than they actually consumed, zamindar and *kunbis* (कुणबी) were tied together for the defence of all they held dear, life and children, cattle and property, homestead and honour : bonds of loyal attachment and *camaraderie* were forged, strong enough to link the generations toge-

ther. The piping times of peace followed, these higher bonds rusted and crumbled, and the cash nexus remained the only bond between Zamindar and intermediary, intermediary and cultivator. Population increased, all available areas being filled up the pressure of the teeming people on the land began, and rack-renting was the inevitable outcome. This cycle prevails always and everywhere: it has the uniformity of a law of nature: the first stage is the establishment of a strong stable government enforcing a fair system of agricultural economy; the second stage is increasing prosperity; the third stage is widespread irremediable poverty—men multiply and *Lakshmi* (लक्ष्मी the goddess of prosperity) departs. A predominantly agricultural land, which cannot annex fresh areas, which does not develop commerce industry and more scientific agriculture, and where the people go on multiplying, cannot escape this cycle. It is a simple enough proposition, stated in this abstract fashion; it sounds almost a truism; and yet we have to turn it over and over and grasp it firmly from many stand-points, for it is one of the masterkeys to the economic history of India.

The only real remedies are (1) imperialism and colonisation, (2) commerce and industry, (3) increasing knowledge of and command over the forces of nature resulting in progressive improvements in the arts, including agriculture, and (4) moral and customary checks on the fecundity of the race. All else are not real radical remedies, but, if we take large views looking at several generations together at one glance, mere palliatives; though even as palliatives they have incalculable value;—they check social discontent and disharmony; they protect the weak against the strong; and the patient—the poor suffering society—gets a little more time during which to develop, if it can, one or more of the real radical remedies.

One of the most indispensable of these palliatives is the protection of the agriculturist from the growing exac-

tions of the higher layers of the community. These higher layers--these intermediaries, the legal system has placed in the position of monopolists of a commodity, the land, of which there is only a limited supply. Hence the state which created and supports the system is bound in equity to frame further legislation with the object of safeguarding the right of the agriculturist to a living wage; and the moral right of the state to do this and so to limit the monopoly of the intermediaries, is clear as daylight, where the state has itself solemnly limited its own exactions from the topmost layer of zamindars by a permament settlement. The title to preach and enforce abstinence in the public interest inheres in those only who themselves set the example.

These are the fundamentals of the question. The details of the original and amending Acts[1] are infinite and naturally produced immense varieties of opinion and voluminous controversies. These are for the specialist. Here we can only note the main results in broad outline. The cultivators are grouped into classes, tenants at will, tenants at fixed rates of rent, and occupancy tenants. Any one who can prove that he has been tilling land in the village for twelve years without a break acquires the status of an occupancy tenant and cannot be evicted as long as he pays the rent. Obviously it is a class that goes on increasing and already over eighty *per cent.* of the cultivators are occupancy tenants. No enhancement of rent is allowed at shorter intervals than five years, and even then only by consent or by decree of court on good cause shown. Any tenant can apply and get all the incidents of his tenancy judicially determined. A complete record of rights is aimed at, and once prepared it is kept upto-date, the entries in it are taken as correct unless any of them is judicially proved to be erroneous, and the landlord is helped to recover arrears by summary procedure.

1 Bengal Tenancy Act, X of 1859, VIII of 1885, III of 1898, I of 1907, are the principal.

Cannot these civil courts imposing justice from above be replaced by arbitration *samitis* (समिति) composed of the elected elders of the community, the judge who at present constitutes the court merely taking the position of of the paid and responsible adviser, convener and recorder of the *punchayat?* If necessary he might be given the power to recommend that either party be allowed to appeal to a court composed of qualified servants of the State, one such court might be established for each division, and this appellate court might also have full powers of inspection and revision of judgments even without a formal appeal. It is only by institutions of this character that a real democracy can be gradually built up out of our rural communities.

Baden-Powell pp. 33-52, 131, 133-45, 154-68.

Ray Land Revenue Admnn. pp. 1-57.

J, **Sarkar** pp. 119, 123-130, 221-237.

§ 40 *Temporary Settlements.* The Bengal settlement took the land in big areas and fixed three features with regard to each: its outer boundaries, its zamindar, the amount of land revenue he was to pay for it. But even while this settlement was being worked out and declared permanent, a school of revenue officers had arisen, with Shore at their head, who were convinced that both the rights of the State and the duties it owed to the people required a more detailed mastery of the subject in its various complexities. The land they saw must be thoroughly surveyed and mapped out, and the various soils classified, field by field. In the second place, there must be a record of the shifting pyramid of rights from that of the landlord at the apex to those of the actual tillers of the soil at the bottom. And in the third place, these masses of ascertained facts should be further viewed from time to time in the light of the history of the locality, the rise and fall of prices, the variations in the rainfall and the seasons, the

increase in population communications and commerce, the slowly changing water-level, the increase or decrease in the number of wells and other means of irrigation, and other factors too numerous to detail. They wanted to leave the cultivator a fair remuneration for his labour, and they also admitted that both cultivator and landlord were entitled to a fair rate of profit for the improvements they made, but the State, they held, was justly entitled to a share of the surplus wealth produced, whatever it was. As the century advanced they began to plan large schemes of bridges and roads, irrigation works, and, later, railways; and it was plain that these projects would require large resources, but that they would benefit the people to such an extent, that the State was perfectly justified in asking the people to hand over to it a part of these extra gains as they materialised, since they were the result of the improvements the State itself was bringing into existence at such an enormous outlay. On the other hand, to revise the land revenue demand every year or even every few years was out of the question; the gain would be small, the trouble and the cost would be enormous, and the feeling of insecurity created and the discontent would outweigh the increase in the revenue, whatever it was. Thus arose the conviction that a permanent settlement was a temptation to be resisted at all costs; that short term settlements were also to be avoided as impolitic except in areas which were highly unsettled and contained much untilled waste; that settlements unalterable for about a generation, but subject to a thorough revision then, were the ideal compromise. This, at any rate, is the notion underlying the land revenue systems of the remaining four-fifths of British India. They exhibit local peculiarities some of the most important of which we shall go into presently, but their temporary character is the feature common to them all, and we have tried to sketch the point of view from which it appeared to its authors to be the only reasonable course to adopt.

But the problem which they thus tried to grapple with was far more complex than the one they had attempted in Bengal. To estimate the value of the net agricultural income of an area that is a geographical and economic unit is not an easy task; to strike an average for several years is only a mathematical inference the value or substantial accuracy of which was bound to be far less than that of the original premises, viz. the estimates year by year; to distribute it amongst the various grades of soil would be another mathematical inference still less accurate; and finally to apportion it estate by estate, village by village, and field by field, was to prolong the chain of abstract deductive reasoning several steps further. No wonder the first efforts were utter failures almost everywhere. No wonder, the effort to establish a fair settlement on general principles had to be given up everywhere. No wonder, that settlement officers and government had to fall back everywhere on crude empirical methods easy to apply and intelligible to the people. The claim that it was a really fair and equitable settlement can be granted only in a limited sense. The Government had strength enough to enforce it, the people were mild and pliant enough to accept it as part of their fate. Each villager knew how much he would have to pay year by year for a certain period by instalments falling due on fixed dates; and there was far less corruption and oppression of the people by the underlings than ever before. These items should be entered on the credit side of the system. On the debit side has to be entered the underlying assumption that a healthy social structure only needed cultivators, improving landlords and moneylenders, traders and labourers, and such other secondary classes, shepherds, shoemakers, shopkeepers, &c., as could live upon these primary classes by serving them. It was a truncated conception of society altogether; and it is all the more remarkable that this should not have been perceived, since there is no doubt whatever that our rulers wanted not only a peaceful and industrious commu-

nity but one that was also prosperous and progressive. The demand for permanent settlements which rose up once more as the century advanced, which was pressed by some of the ablest and most experienced officers of the government, and led to a controversy that continued down to the eighties, had really behind it the feeling that a society mainly agricultural could not possibly be healthy prosperous and progressive, unless there was left room in it for an agricultural middle class, whose resources intelligence and leadership could alone create and sustain progressive agriculture. But by that time the Government had realised that they too were in the grip of an inexorable fate; that India was a very poor country, that it was subject to colossal recurring calamities, that the number of taxes they could impose were very very few, nor were they really free to increase any of them beyond a certain low limit: and under these circumstances they were naturally unwilling to forego whatever extra income the land revenue brought to the treasury by its own "natural and normal expansion."

§ 41 *Village Settlements.* These temporary settlements fall into two broadly distinguishable classes: village or village community settlements and ryotwari settlements. The first prevail all over Hindustan, the Punjab and the C. P.; the second are the distinguishing feature of the Madras and Bombay system.

Village community settlements were first developed in the Agra province. In that cock-pit of India, communal feeling is still strong and so are hereditary and local loyalties, although a century and more of British rule has gone far to weaken them. The village lands were, the English found, looked upon as a whole and owned and managed by the villagers or some one section of them as a community. This community was the joint landlord, even when there were, as in some parts, hereditary over-lords who without being so powerful as jurisdictional Chiefs, had

still the right to obtain substantial shares of the produce. When this share of the over-lord was larger, he was styled landlord; when smaller, taluqdar. So the lands in the Agra province were to be settled with landlord and village community or taluqdar and village community, or with the village community by itself. And as already hinted in many villages more than one community were staying together, one of these as the proprietor community, the other or others as tenant communities under the first. The landlord and taluqdar families had also families of dependents settled as tenants on their family estates. Benares district had the same social structure; but Jonathan Duncan, although he was supposed to know Indian ideas and customs so well his English comrades dubbed him a Brahman,—could make nothing of it, a community as a joint landlord was an idea altogether too recondite for our foreign rulers of those days; and the Bengal zamindari system was imposed upon the district and this the people had to submit to. However, though Duncan was puzzled, he noted some of the main facts, the Anglo-Saxon intellect is honest and persistent, even if slow, and by 1833 a start on right lines was made. We shall not trace the history of the system as it grew up but proceed at once to a very brief account of what it became when fully developed. The peculiarity of the U.P. land system is the large number of tenants who are not mere tenants at will but have customary hereditary rights partly personal, but mainly according to the community to which a tenant belongs and the custom of the locality. In making a land revenue settlement the first thing is to make out a rent roll showing against the name of each tenant the land he holds and the rent he pays for it partly to such an individual where there was one, and partly to a village community. But, as can be inferred from what has been so far stated, few of the rents were fair rents at the time of the original settlement. The tenantry were either treated as friends and almost as equals by the landlords,

in which case the actual rents were light, or they were treated as an undesirable legacy of the past, in which case the rents were heavy. This depended only partly upon the qualities and status of the tenantry themselves; the relative strength and position in the locality of the proprietor community had also something to do with it. Hence, it was not enough to make the rent roll. Some method of estimating the net produce was also necessary. That ascertained, part of it could be left with the cultivator himself, and the balance could be distributed between the two or three superior sharers, the state and the village community, and, where he existed, the landlord or taluqdar also, on a uniform system. Can the net produce, however, be estimated at all? Can this be done for an area so large as a *taluka*? And can we moreover strike an average that would answer for such a period as thirty or twenty years at a stretch, and convert it into a cash amount? As we have seen in a former section the whole process is too deductive. The vagaries of nature, the personal qualities of the cultivator, both as an individual and as a member of a particular caste inheriting certain traits, and also accidents pure and simple, play too large a part in influencing the result, field by field and village by village, to enable us to obtain anything beyond a very rough guess. And it is this conclusion, arrived at by a process defective at many points, which must be imposed upon cultivator and landlord by the superior will of the State or the community as a whole. We may still call the land revenue settlement of one area fair and of another not so fair. There may be a certain rough and relative justification for such judgments. But that is all. Nor can we ever attain a fair land revenue system for the whole of India. Again, historically, the parts in which agricultural wealth grows might contribute higher percentages and yet come really to be taxed lighter; the parts which remain stationary, might continue to contribute the same percentage of the

produce and yet might feel it a heavier burden than before; the parts which are deteriorating, might be taxed at a lower percentage, and yet find it impossible to pay even that. Such being the complexities of the case, no real friend of the State can ever claim for it that it has never erred,—and error herein spells oppression, for it is the view of the State about a locality's capacity to bear a certain enhancement which, right or wrong, is necessarily imposed upon the people,—or that it has invariably behaved sympathetically in the matter. Every student of the subject and every citizen must grasp these essential complexities, for, of course, no one can foresee the time when a State in India—manned whether by foreigners or by the children of the soil—will be able to do without taxing agricultural incomes.

To arrive at the gross produce, we have to rely mainly upon classification of soils. Five specific classes have been determined: (1) alluvial or permanently improved, (2) black cotton soil, (3) red ferruginous, (4) calcareous, and (5) arenaceous, or nearly all sand. Sorts are recognised in each species and as a rule every field is assigned to one or other class in a series of fourteen from class I to class XIV. The relative productivities of the classes in any taluka are ascertained by actual experiments and by taking the general experience of the cultivators. It would be sufficient to take, as an illustration, only three varieties of soil. Take four villages of equal size, say, 1000 acres; let village A have the three varieties of soil in equal proportions; let village B, C, and D have half its soil of the first, the second, and the third variety respectively, and let the other two varieties of soil make up the rest of each village in equal proportions. Assume finally that the productive capacities of the three varieties of soil are in the locality in the ratio of 36 : 24 : 12. We thus arrive at figures which

we might call the total units of productivity of each village, as in the following table :—

Village	Soil Class I—Coefficient 36	Soil Class II—Coefficient 24	Soil Class III—Coefficient 12	Units of Productivity
A	$\frac{1}{3}$	$\frac{1}{3}$	$\frac{1}{3}$	12+8+4=24
B	$\frac{1}{2}$	$\frac{1}{4}$	$\frac{1}{4}$	18+6+3=27
C	$\frac{1}{4}$	$\frac{1}{2}$	$\frac{1}{4}$	9+12+3=24
D	$\frac{1}{4}$	$\frac{1}{4}$	$\frac{1}{2}$	9+6+6=21

If we can further assume that for any period each unit of productivity would mean Rs. 500, our figures show that the gross income of village A or C from its fields is Rs. 12000; village B, Rs. 13,500; and village D, Rs. 10,500. This calculation would have to be modified in various ways before the final figures can be arrived at; we can here mention only two of the grounds—(1) the particular crop usually sown on a particular kind of soil in a locality, and (2) the facilities for a water supply independent of rainfall, such as a well, or a tank or a canal.

Net produce is the gross produce reduced by the proper expenses the cultivator must incur in order to obtain it. This, again, is a statement easy to make in the abstract but far from easy to apply in practice. And a fair rent, a fair over-lord share, and a fair State tax or land revenue have all to come out of the net produce, and whatever remains, remains with the cultivator, for him to spend on his social and religious needs, according to his station in life, or to invest or hoard in order that he might have some staying power against the rain-less day, or so to utilise as to increase his real efficiency as a productive member of society.

How he behaves with regard to this surplus when he has any, and when he anticipates any in the near furture, is also a very important factor. For, in the long run, it will react upon the net produce and all its sharers. That education which can really teach him to behave properly towards it, to work for it with a will, to make prudent anticipations about it, and to utilise it properly when he gets it, is the type of education that he needs most, and that it is one of the most urgent needs of Indian society to provide for him, if possible. When he has this surplus, however small. Must every cultivator always have a surplus? Must no land revenue be taken in cases in which there is no surplus? Is there any reason why the land revenue should be foregone unless the rent, too, is foregone? When the rent and the land revenue were shares of the grain heap, the reduction of both upto zero happened automatically. But in our modern and more complex society with a money economy pervading all relations of life, we must all, even the cultivators, look before and after, and the fat surplus of the bounteous year must be held over for the lean year. In the case of the poorest lands in the hands of the worst cultivators, there might not be any surplus except in the very best years; a better state of things could emerge here only as the lands and the cultivators are improved; which implies a sinking of capital in them, in indefinite amounts and for indefinite periods, and with only a sporting chance of any success;—capital brought over, of course, from some outside source. This might not be always possible. Nor, in the meanwhile, could the land be allowed to fall out of cultivation, or the cultivators, such as they are, relieved of this occupation, in which they are doing something, at least, towards leading a useful life. Such fringes to the economic web there always are even in the richest countries, and if there are parts of India, which, so to speak, are all fringe, and very tattered at that, is it the fault of the government? Is it not rather a part of our

fate? And a part, too, that will demand not a little pluck to face.

In the U. P., however, the net produce figures were of primary importance only for the first settlements. They enabled the rent roll actuals to be checked, fair rents to be estimated, and the shares of landlord, taluqdar, and State to be worked out on the basis of the last. But tenants and owners were in the meanwhile allowed to alter rents; if they could not agree amongst themselves, rent courts independent of the settlement and revenue departments were set up to which they could go, and there, influence and money and pertinacity had their innings. But the courts improved, the rents mounted up or down approaching real competitive levels, and even from the first revision settlements, the rent rolls became the real basis of the land revenue settlement and the net produce calculations became only a subordinate check. Finally, the rule first adopted at the Saharanpur settlement in 1855, that the land revenue should not exceed fifty per cent of the rent, worked in the direction of lowering land revenue percentages, as the rents the settlement officers considered came more and more to be the actual rents, and not some other figure largely inferential, which they denominated 'fair' rents.

The Punjab settlement differed from that of the U. P. because there were hardly any landlords or taluqdars and comparatively few tenants in that province. But there are in that province many cultivators, who, though technically proprietors, till lands of which they have only a part share, and in those cases produce shares or money equivalents are paid to each proprietor to the extent of his share, the cultivating proprietor obtaining more than his share because of his labour and capital. Thus here, too, there are rents as a matter of fact although not known by that name. In the fully developed parts the term of the settlement is thirty years, as in the U. P., but it is twenty

elsewhere. And in what are known as precarious tracts, forming about one eighth of the total cultivated area, where the rain cannot be depended upon, there is little water from other sources, and the soil is inferior, land revenue at a low rate is charged only on the area actually cropped in any year. Land alienation is also regulated by stringent laws (Punjab Act XIII of 1900, amended in 1907). A non-agriculturist who might have become owner of cultivable land can sell it freely; so can an agriculturist to another in the same village; but other alienations require the permission of the Deputy Commissioner—just as in a Native State the permission of the Chief is generally required. And since mortgages with possession might lead to transfer of ownership, they are also carefully scrutinised and restricted. Twenty years' possession by the mortgagee is, moreover, taken to terminate all claim, however high the amount borrowed.

The C. P. settlements are also for a period of twenty years, the over-lords there are known as *malguzars*, and the settlement fixes not only the land revenue but all the rents as well (C. P. Act XI of 1898). Tenants are protected in all these provinces by acts inspired by the same spirit as the tenancy acts for Bengal which have been already mentioned, but the details are different from province to province. In the C. P., for instance, there is a specially privileged class of 'absolute occupancy tenant,' whose rents cannot be raised at all except by the settlement officer at a revision settlement, and who cannot be ejected '(practically) for any cause whatever.'

Baden-Powell pp. 171–198.

Ray pp. 110–135.

Indian Land Revenue Policy, being the Government of India Resolution of 16-1-1902.

§ 42 *Ryotwari Settlements*. The Madras and Bombay system is called ryotwari as opposed to the zamindari, or single landlord, and *mahalwari*, or joint landlord, sys-

tems described above. But the ryot or the cultivator in the system, though recognised as a hereditary occupant with a full title subject only to the payment of the government demand, is really treated under it as (in the logician's phrase) an 'inseparable accident' of the field or 'survey number' or the fraction of it that he tills. The land revenue demand attaches to the survey number, and whoever occupies it or any part of it does so on condition of regularly paying its dues to the government. After various false starts, a proper beginning of this system was made in Madras from 1817–20 and in Bombay from 1835. In Madras the calculation of the net produce is claimed to be the basis on which the settlement rests. The Bombay government have been perfectly frank about it from the first; they have admitted that though net produce calculations are made and are used as a guide, still many other calculations also enter into the result, and the controlling factors are—first, an estimate of the total demand a taluka could bear, based upon general considerations, and second, a distribution of it as equitable as possible amongst the villages of the taluka, and amongst the fields of each village, in the determination of which the classification of soils, the usual crop in particular localities on particular soils, and the water facilities are the ruling considerations. Under the Bombay system the classification of soils is rather elaborate. Irrigated land, rice land, garden land, and dry land with two crops or with one are the main distinctions. And the dry land is further distinguished into black, red, or light soil, of these three seven, seven, and five sorts respectively are noted, based principally upon the depth of the soil, each 'one anna lower for valuation purposes than the one above it'; and, further, seven accidental defects are recognised, the presence of which in any field would lower its place in the scale by one point or even by two. Lastly, the whole system being empirical, limits to enhancements have from the second revisions come to be fixed by a simple rule, that

at a revision the demand from the taluka as a whole should not be raised by more than a third of the expiring settlement, hat from a village by more than two thirds, and that from a tsingle holding was not to be more than doubled, except under very exceptional circumstances. Nor were the increases to be realised in full from the first year of the new settlement. Only four annas in the rupee (i. e. one quarter of' the increase) was demanded for the first two or three years and the balance was similarly added on in three further instalments (of four annas each) at similar intervals. The Madras system differs in this; there, one fourth of the increase is added on the first year, and under certain circumstances, one eleventh of the balance is added on regularly from the second year to the twelfth, while the general rule is to add one-eighth every year from the second to the seventh. In both provinces there is of course a thorough survey, and detailed maps and registers for every village based upon it. The record of rights was at first not so full in either province as in North India, the government taking the shortsighted view that for each holding they only needed the name of the individual responsible to it for its revenue But full records noting every interest in the land have begun to be compiled in recent years. Few agricultural communities can escape indebtedness, which grows at first imperceptibly, but accumulates decade by decade until it attains alarming proportions, and brings serious evils in its train. The legal system established in British India allowed the cultivator the fullest power to borrow against his property in his holding, and he went on borrowing, until the moneylender refused to lend any more and filed a civil suit for recovery of the loans with interest. The courts in many cases allowed the claims, with the result that the cultivator's holding was sold out, and land began to pass from the hands of its hereditary owners into those of moneylenders. This was a serious evil, for where the moneylending classes are not agriculturists and the dispo-

ssessed agriculturists have no other means of livelihood, these latter have to stick on to their holdings and would consent to any fancy rents and other irregular exactions besides in order to do so, thus becoming reduced to mere tenants at will at less than starvation wages. "The number of suits for debt in the courts of the Poona district doubled between 1867 and 1873, and the applications for execution of decrees increased from twelve thousand in 1868 to twenty-eight thousand in 1873."[1] Matters came to a head in 1875; the agriculturists in four Deccan districts attacked the moneylenders, burnt all their account books and bonds, and were guilty of some other acts of violence. The Deccan Agriculturists' Relief Act, 1879, was passed as a remedy. Under the Act the civil court in hearing a suit between agriculturist and moneylender, takes the side of the agriculturist, disallows usurious interest, insists upon the fullest accounts interpreting every omission in favour of the agriculturist, and scrutinises every detail in order to go behind the contract to the equities of the case. Village registrars are provided in order that contracts might be made in their presence, and conciliators are appointed to effect equitable settlements of disputes out of court. Finally, when the court allows a claim, it fixes at the same time instalments convenient to the debtor to enable him to gradually free himself from his burden, without losing his land. The Act has been found fairly successful as a palliative and has been extended to other parts of the province. A rapid extension of rural cooperative credit and of cooperative societies to enable the agriculturist to buy manure seed &c., to buy or hire cattle, costly machines &c., and to market his produce, so as to reduce his costs, improve the quality of what he buys or hires, and increase the gain from what he has to sell, would, on the other hand, be a real remedy as far as it went. A system of rural insurance and state

1 *Keatinge*, Rural Economy in B. Deccan, p. 85-91.

agricultural banks for permanent improvements and other large outlay, such as would be productive over a large area but only after years, would be other remedies that would also be not mere palliatives. The, problem, however is vast and complicated, and in order that these and similar proposed remedies might be widely scrutinised and a strong public opinion grow up capable of giving active support to well-judged practical schemes, perhaps the greatest need of the day is for large numbers of intelligent well-informed people to take a more living interest in its various aspects than they have hitherto done.

Baden-Powell pp. 199–213.

Ray pp. 58–109.

§ 43 *Uneconomic holdings.* Men multiply, we have said, and Lakshmi[1] departs. As the generations succeed one another, there are more cultivators, decade after decade, for the same number of acres, and the holdings are cut up more and more. The individual cultivator's holding as a unit becomes progressively smaller. And it comes to consist of an increasing number of strips scattered all over the cultivable area of the village. The evils of this are great and undoubted and of a cumulative character. "Excessive subdivision and fragmentation impede current cultivation and waste time, prevent permanent improvements, prevent a man from living on his farm, prevent any orderly organisation of labour or capital, sometimes send land out of cultivation altogether, cause enmity amongst neighbours leading to litigation and permanent feuds, and produce a generally uneconomic

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1. Lakshmi, of course, has many names and forms. The buxom goddess of rural plenty, the Greek Demeter, the Roman Ceres, is the Hindu Anna-purnā (अन्नपूर्णा): It is she who departs as village populations in crease without increase of village lands.

situation."[2] Or, as the same author puts it more generally,

"The fact that the cultivator often finds it difficult to pay his assessment, the fact that he readily runs into debt and seldom extricates himself from it, the helplessness of some and the apathy of others, these matters have attracted general attention and suggested remedies. They are, however, merely symptoms of a general disease, and that disease lies in the distribution of the land itself. The fact is that most of the holdings are not economic holdings. When a cultivator has got only five or ten acres of unimproved dry-crop land split up into several plots, and situated at a distance from the village and from each other, he has not got an economic holding. It will not provide a living for himself and his family. Much less will it leave him anything over to pay any assessment or any interest or debt, at whatever rate they may be calculated. There is no chance for him to develop or improve his property...There is no object in preventing him from alienating his land, little use in trying to put his credit straight, and little advantage to be expected from making him advances or granting him remissions of revenue...What is an economic holding?...The desirable area would vary greatly in different parts according to circumstances. A gardener in the Surat district with three acres of good garden land can support a family in comfort, while in a dry part of the Deccan with poor soil thirty acres might not suffice. Between the ideal economic holding and the obviously uneconomic holding there are many gradations; but it would not be difficult to fix a standard for any tract."

The first thing, then, for those parts of India where the holdings have become uneconomic is to get back to economic holdings. That, however, is easier said than done. Legislation alone, or executive action alone, or influence and power exerted merely from above cannot achieve this end. The Hindu and Muhammadan laws of succession and the habits of the people have brought us to this pass, and Government and people have to act together, first to reconstitute the land into economic holdings, existing interests in the land being all fully taken

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2 Slightly condensed from Mr. G. Keatinge's No. 10457 (11-11-1916) to Government. See also the same author's Rural Economy pp 51-55, and Paper submitted to the Board of Agriculture, annual meeting, 1917 (*Ind. Jl. of Economics* July); the Baroda State Report on the subject, 1917; Prof. Stanley Jevons's paper onthe Consolidation of Holdings in the U. P., 1917; Dr. H. H. Mann, *Land and Labour*, pp. 43-54 and 150-156; &c.

into account, and then to protect the integrity of these new holdings by such laws and customs as might prevent a later recurrence of the present evils through a fresh series of slowly accumulating subdivisions and fragmentations. There will also have to be pursued simultane, ously large practical schemes for the provision of non-agricultural occupations for those who have to be thus bought out of their present interest in the land. And obviously, such joint action of people and government for such large and complex concrete ends would provide as effective a training as could be desired in the arts and difficulties of democratic self-government.

CHAPTER IX

FAMINES: RAILWAYS: IRRIGATION.

§ 43 *Frequency, Duration, Extent, Intensity.* The statement is sometimes made that famines are now more frequent than in the past, they last longer, they affect larger areas, and, moreover, inflict greater suffering. It doubtless has its origin in natural opposition to the cuckoo song of steadily increasing wealth and prosperity which official publications sing in various keys in season and out of season, year after year. But it is none the less the product of minds unscientific and unhistorical, filled with vague unrest and discontent, and rising up in futile protest against things as they are in general and against the powers that be in particular. It does not stand to reason that the awful famines which destroyed states, crippled arts and crafts, and snapped the thread of culture and settled existence, until fresh beginnings could be made somehow and somewhere, should have been less intense or shorter in

duration than the famines of today. It does not stand to reason that in a society cursed with chronic warfare between states, when the defenders had frequently to destroy standing crops themselves, and more frequently to miss the seasons for sowing, when the moving armies ate up all they could and destroyed far more than they consumed, and roving bands owning no allegiance to man or god spread devastation, the terror of their approach, besides, causing panic and famine conditions over areas far wider than those they actually overran, the famines should have been less acute or frequent or shorter in duration than now. It is quite impossible for minds with the slightest glimmering of historical perception to stand such nonsense as any attempted comparison must be of present conditions with those when mothers ate children, when the dead choked up rivers, were cast into pits, and lay about everywhere for vultures and hyenas to feast upon, when husbands and fathers sold their women and children into slavery if they were so lucky as to find buyers, when valuables and heirlooms were bartered away at nominal prices, and grain rapidly rose upto twelve or fifteen times the normal,[1] until it became literally unobtainable, and whole villages went into the jungle by hundreds to live on jungle roots and bark and leaves, their progress marked by people dropping out at every step. It is equally impossible even to place side by side the vague and meagre accounts which have survived and the full details of modern famines,—famine camps, gratuitous relief street by street, medical treatment and precautions and reports, the numbers of the people and their cattle migrating, the quantities of the grain and fodder supplied from place to place,—dates, and graphic pen-pictures, and carefully compiled statistics, and snapshots revealing every bone. These accounts and photographs excite our pity and move

1 A rise in price upto 32 times the normal was recorded in the Bombay district famine of 1709.—*Loveday*, p 27.

the hardest of us to tears even when referring to the farthest province of India, however different from us in blood and language and religion. We have become more sensitive to national suffering and helplessness, and more insistent in our demand that such things should cease to be. That is all to the good. But that is itself part of the advance already achieved under British rule, an advance that has relegated to the limbo of the past the awful calamities of the earlier centuries, never again, let us trust, to reappear in modern India. For modern famines differ *toto caelo* from their predecessors which spread such tremendous havoc. The last of the old type of famines was, let us say, the Bengal famine of 1770. Since then with every visitation of famine our efforts to reduce its intensity and bring the inevitable loss within measurable limits have become almost continuously more intelligent and better directed. Full success is still very far off, no doubt, and we are quite right in emphasizing the insufficiency, from our modern point of view, of what has been achieved, and contrasting it with the magnitude of and the complex difficulties surrounding what remained to be achieved. Our entire point of view in the matter has been transformed. We begin to see that too little rain, too much rain, floods, locusts, plant-disease, soil exhaustion, that these and other purely natural causes of famine might be weakened in their operation, even if not eliminated altogether; further, that, when operating, they might be prevented from inflicting the maximum loss they were capable of; further still, that the loss might be prevented from causing deaths of men and cattle by starvation or epidemic diseases; and, most important of all, that the calamity when it occurred, thus restrained within purely physical bounds and reduced even as to the material losses it inflicted, individuals, even at the bottom of society, should have reserves and staying power enough to meet mainly by their own intelligent efforts, so that there might be as little dislocation of the economic and social system as possible. That is our new

ideal; when that is attained, India would have become for all practical purposes free even from famines of the modern type, although failures of rain &c. might continue to occur. That is our modern ideal, and from that point of view, there is a great deal still remaining to be done, some of it most difficult of accomplishment. To admit that, however, is one thing. To deny that any progress has been achieved, to compare our modern famines with the very different calamities of the past, and even to say, imply, or insinuate that India was really better off in the past, is to lose all sense of proportion.

Progress itself of course brings some new difficulties. There are some parts of India which are exceptionally favoured by nature. And India is so extensive, the physical and climatic conditions are so diverse, a famine from end to end of the whole country is physically impossible.[2] Most of the famines of the past, even the worst, inflicted the horrors we read of mainly because of the absence of transport facilities. These the nineteenth century has supplied. In 1803-4, to give but one concrete instance, there was famine in the districts of Benares, Allahabad, Cawnpore and Fattehgarh, while at Bareilly, only seventy miles from the last place, wheat could be had at sixty seers per rupee,[3] yet it could not reach Fattehgarh! But the increase of transport facilities has meant the gradual conversion of all India into one market; the poorer districts have been obtaining the surplus of the more favoured; fairly uniform prices everywhere have meant rising prices in the more favoured parts. Secondly, as peace and security have continued, and transport facilities–railways–have become available for a steadily increasing area, population has also been increasing. The area of cultivation has extended. But as international trade has also been transformed during the same period and necessaries of life

2 *Loveday* p. 4

3 *Morison*, Industrial Organisation of an Indian Province, p. 260.

have become the principal staples of that trade in huge quantities, the increase in the area of cultivation has not all been an increase in the area under food-grains. Moreover, all the foodgrains produced in India have not remained in India. The prices of the food and other products have been raised more or less uniformly for the whole of India by the pull of this international demand to the world level.[4] From the latter half of the nineteenth century these interconnected influences have been at work, and i we survey the situation as a whole as it stood during the period 1911 to 1914, just before the outbreak of the Great War, we discover we are face to face with a new problem of enormous difficulty and complexity, the PROBLEM OF FEEDING INDIA. For the first time in history India appears to have reached the limits of the population she can support. For the first time in history India appears to be producing less food than she really needs for her own consumption. The following figures [5] present the facts in a compact form and deserve careful study :—

Population of British India—	...	...	244-3 millions.
Food-grains required for their Consumption *per annum*—	...	...	48-5 million tons.
Food-grains required for seed—	...	...	2 " "
Food-grains required for the consumption of cattle—	...	...	12-86 " "
Total requirements per annum—	...	...	63-36 " "
Area under food-grains in acres	...	...	195 millions
Total annual produce of food-grains *minus* wastage at 10 %	...	...	56-72 million tons
Annual export of food-grains	...	...	4-93 " "
Total quantity available for home consumption	...	...	51-79 " "
Deficit	...	...	11-57 " "

4 English shipping–for India has no shipping of her own, has benefited in consequence, as much as India, by this expansion of Indian exports.

5 The question is thoroughly discussed by Mr. D. S. Dubey in his Study of the Indian Food Problem (*Indian Journal of Economics*, July 1920 and January 1921). He studies seven years from 1911 to 1917; I omit the war years as abnormal.

If we take the requirements at 60, and the quantity available at 50 million tons, the annual deficit is one-fifth of the quantity available. Suppose, however, for the sake of argument that the standard of consumption taken to calculate the requirements (19·5 ounces per head per day for the whole population) might be high; and that the figure for the annual production of food-grains might be low; suppose, further, that wastage could be progressively reduced. The deficit would thus be lessened to some extent. But a deficit of several million tons per year, a deficit larger than the present annual export of food-grains,[6] even if not twice the amount of the export, must be accepted as the outstanding fact of the situation to-day. The conclusion is inevitable that our population has now increased upto the limit of the subsistence available, and that to maintain our numbers, still more to increase them—the area under food-grains must increase, the production of food-grains per acre must improve, and that the prices of food-grains relatively to other produce and all other articles of value must rise higher than at present. India has been one of the cheapest countries to live in for over two generations[7]; that state of things cannot last much longer. We have outgrown the old state of chronic warfare, the spasmodic calamities and the no less spasmodic years of plenty; the whole country has become internally one economic unit and has been brought into sensitive contact with the outside world; the daily struggle for ex-

6 As increasing scarcity declares itself and prices rise, the export of food-grains stops automatically: see, in the case of wheat, *Keatinge*, pp 153-7.

7 This as it stands is a highly abstract proposition, one of those propositions easy and plain at sight but really difficult to grasp, which constitute the special difficulty of economics. In limiting the statement to about two generations I have in view (1) all India, (2) the costliness of all kinds and forms of insecurity, and (3) the sharp fluctuations which were the immediate effect of the first introduction of British rule in province after province.

istence of the modern world is upon us at last. Our economic structure must rise to a higher level, sanitation and health, education and industry, efficiency and organisation, state policy, social habits must all be recast, instinctive and customary adaptations must give way to deliberate constructions, or else starvation and misery face us.

§44 *Relief Methods.* The elemental calamities of the past, inflicting boundless suffering and loss for which no remedy or prevention was even conceivable, have been transformed into the famines of the latter half of the nineteenth century mainly by two factors. The progress of science and mechanical skill created the railway, and the railway has, so to speak, annihilated distance and made the immobility of grain and fodder, men and cattle, a thing of the past. Throughout the nineteenth century India as a whole still produced more food-stuffs than she needed. Hence wherever railway communications were introduced foodstuffs could be quickly brought up in abundance from provinces where there was plenty to those in need of it. But bringing up food to the afflicted districts is one thing, the organisation required to distribute it in the right manner is

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8 The following summary of census results will emphasize the argument of the above section. "In 1891 Upper Burma, Kashmir and Sikkim were included in the census for the first time; in 1901, Baluchitsan Agency, the Rajputana Bhil country, the wild Nicobarese and Andamanese, and some outlying tracts along both the N. W. and N. E. borders; in 1911, the population of the areas included for the first time was under 1·75 millions. The official computation is that after allowing for these disturbing factors, the rate of the growth of population in the Indian Empire during the last thirty years has been as follows:—

1881–91: 9·8%; 1891–01: 1·5%; 1901–11; 6·4%.

The wide-spread famines of 1897 and 1900 with their sequelae-cholera, fever, and other epidemics affected the second period; five millions in excess of the normal rate of mortality had died. During the third period the mortality from plague was substantially greater than 6·5 millions. Plague and malaria were responsible for the decreases in the Punjab and the U. P." Condensed from *India and the Durbar*, ch. 18.

a different thing altogether no less important. People who point out that almost every detail of our modern famine relief system was known and employed in India from the remote past, that hardly any important detail deserves to be regarded as a new invention, are perfectly correct in their contention, but only in an antiquarian sense. The distinguishing mark of the British administration has been the patience and the persistence with which the various remedies for relief were tried, their operation freed from defects and abuses, and the benefit of these so corrected and improved, spread over the entire area and continued for the entire period needing relief. More important was the habit which collected and sifted the teachings of experience, and by continuous experiment and reflection fitted the various details into a really practical harmonious system. And even more decisive, what may be called the final cause of it all, was the new sense of duty which never wavered, that the state was bound to exert itself to the utmost to relieve suffering, prevent loss of life, enable the normal currents of labour, trade and production, to flow on unhampered, and avoid any demoralisation of the people, as far as possible. The famine relief operations from 1770 to 1907 are full of failures and breakdowns; the inevitable results of ignorance, miscalculation, inadequate or corrupt agency, and wobbling ideas at headquarters appear again and again; a great deal can be and has often been made of these failures, and the losses resulting from them. These, however, were incidents lying on the surface. The deeper truth of the matter is that these failures and breakdowns were not disguised nor were they put up with as inevitable; the Administration learnt from their failures, they tried again and again, until they succeeded in evolving the right methods. From 1770 to 1860 is the period of apprenticeship during which but little success was achieved. Even after 1860, there are seemingly paradoxical movements in two opposite directions at once,

towards centralisation as well as decentralisation, towards spending all that was needed as well as towards economising as much as possible, towards local variations as well as towards uniformity. But on the whole the march is upward and onward, directed by increasing knowledge and inspired by a steadfast sense of duty.

The system as fully developed is a complex whole consisting of many correlated parts. The first essential is full up-to-date and reliable *information.* Rainfall statistics, the state of the crops, the stores existing from previous harvests, the state and efficiency of the trade and transport agencies, especially with reference to their ability to reach the remotest districts and the most backward sections of the people, such as hill-tribes, are all noted and estimated, and all subsequent relief operations are necessarily based upon this body of knowledge. Any serious mistakes in this preliminary, as in the Orissa famine of 1866[1], are bound to lead to disaster, however able active and devoted the individuals entrusted with the actual administration of relief. The next essential is a very careful study and correct interpretation from day to day of the *preliminary symptoms.* Sudden fluctuations in prices, attempts to corner supplies, the contraction of private charity and of the market for casual labour, the increase in petty crimes, the deepening anxiety of the people as summer breezes and summer skies continue, the epidemic of aimless loafing about in search of work and food settling down before long into a steady drift of increasing crowds towards towns, these are danger signals for the experienced administrator to note betimes. The Collector, the Commissioner of the division, and the provincial government should at an early date make up their minds, declare their policy, and take the lead of the people. Resolute many-sided activity at an early stage conceived on liberal even generous lines is more than half the battle.

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1 Temple, Men and Events p. 327.

It puts heart into the people, encourages the philanthropic and well-to-do minority to organise their efforts and fall into line with the general plan of campaign of the state, and gives confidence and hope to all classes. The need for thus seizing the psychological moment and striking the popular imagination was, however, not fully realised before the famines of 1897 and 1900. The third essentia is the actual plan of the *relief operations* proper. Various alternative schemes for this purpose, many of quite ordinary dimensions to be put into operation at the villages' or in the centre of every bunch of neighbouring villages some large enough for the talukas and even for the dis trict as a whole, must be ready in proper pigeon-holes, with estimates of the tools and the amount of organisation and supervision each would require. The tools &c. must be already there in some store and as the preliminary symptoms become pronounced, more and more of the necessary staff must be warned to hold themselves ready, so that the relief camp might spring into existence as soon as wanted almost at a moment's notice. As the costliness of relief operations is ultimately measured by what we can place on the credit side as a set-off, the work which these hundreds of men at each relief camp are set to perform must be of real utility, such as were the fortresses, palaces, tanks, and irrigation canals constructed by the old rajas under similar circumstances. The British government has needed no fortresses or palaces; its plans have been earthworks for a projected line of railway, or a road, or a tank or a canal. But the railway or the road must be really wanted, and must be kept up and carried forward to completion after the famine is over, that is, it must be not only such as might be useful if built, but such as was needed as soon as possible; the tank must be such as would really hold water; the canal must be such as would really carry a sufficient quantity of water for several months in the year. In other words, the drier areas of the whole land had to be surveyed in advance,

district by district, with the special object of formulating such plans and selecting the best, and detailed estimating with reference to every one of the plans selected had to be also done in advance and kept available for use as soon as the moment for taking action arrived. This lesson was thoroughly grasped by 1878, the famine commission of 1880 emphasized it, the various provincial governments luckily got a sufficiently long period to carry out the instructions; and the consequence was that a fair number of the works executed by relief gangs in the famine of 1896–7, were of real, some even of great, utility. But we had another famine even more extensive in 1899–1900, there were few such plans available then, and one consequence was that there was comparatively very little indeed of real utility to show in return for the enormous sums necessarily spent upon relief in the course of the later famine. The size of the central relief camps was to a certain extent prescribed by the intensity of the famine in the areas surrounding them; but opinion fluctuated considerably as to the point of maximum efficiency and economy combined with the minimum of risk. But latterly, and especially as volunteer agency was found to be trustworthy and came to be trusted more and more, the effort to force every one seeking relief to become a digger or a breaker of metal has been discarded as far as possible, and special classes like weavers have been given work in their own line and in their own homes, and markets have been organised for the sale of their output. Moreover, substantial men have been given advances and this has enabled an increasing number of labourers of various classes and grades to find work with these employers. The famines of 1897 and 1907 were specially remarkable for the large amount of decentralised relief thus given. The supervision of the central camps has from an early date (1854) been handed over more and more to the expert agency of the public works department. The wages to be given to the labourers in the central camps have been fixed differently at

different times. Attempts to differentiate between the workers broke down at an early stage of the period under review, as a minimum wage sufficient to keep the men alive had to be given in any case. The system that has prevailed on the whole has been a cross between payment by piece-work or by results, and uniform payment to all but a variation of the tasks set, according to the health and capacity of the different classes amongst the workmen brought together by a common need at a central camp. Relief camps were first opened in the Madras famine of 1792, but they did not become the principal item of the relief organisation until much later.

The fourth essential is the independent and gratuitous relief of *the children and the infirm.* Kitchens and hospitals where expert medical agency controls the detailed work, but all four gates are open to visitors, and the general supervision is handed over to respected volunteers, combine efficiency as well as inspire the fullest trust; but decades elapsed before such a system could be built up. The superstitions and suspicions of the people, the corruption and heartlessness of the low-paid staff, the difficulty of providing such supervision as would make adulteration, neglect, false entries, favouritism, impossible, the domineering ways and red-tape habits of the official class, have made progress in this branch very slow, nor has it been uniform all over India. The fifth essential is to break up the relief camps as soon as the next rainy season establishes itself and to help the returning people with *takavi* loans for the purchase of seed and cattle. Such loans were an established institution of Hindu India which was also copied by more than one of her Muhammadan rulers. They have become an integral part of the British famine relief system from 1868. And from 1884 onwards they have also been given to substantial cultivators from an early stage of the period of distress for sinking or improving wells or for other agricultural improve-

ments of a temporary or permanent character. The first takavi loans were granted in the famine of 1868-70 when they amounted to Rs. 21 lakhs. The greater liberality of the policy pursued after 1901 is shown by takavi loans of over Rs. one hundred and eighty-five lakhs in the famine of 1913, and of over Rs. two hundred and twenty-five lakhs in that of 1907.[2] The sixth essential is the *suspension of land revenue* and its ultimate remission in whole or in part; in ryotwari India the State foregoes this; in the zamindari parts, the zamindar makes the remission and gets credit for it from the state. It is plain that when the cultivator loses his crop and has so little reserve remaining from past profits as to be brought to the verge of death by starvation, it is not at all possible for him to pay the land revenue. The contract the state makes with him, however, is a long term contract, and according to the letter of it, the state is clearly entitled to its revenue from him even in the years of famine. However, during 1900 suspensions of revenue were granted amounting to two hundred and six lakhs, and out of this sum one hundred and ninety-eight lakhs were remitted altogether.[3] The Famine Commission of 1901 recommended early announcements of remissions and since March 1905 the principle has been accepted by most provincial administrations. The land revenue demand is suspended altogether when there is no prospect even of a four anna crop, and the suspended revenue is not demanded until after the affected tract has had one fair harvest. The suspensions of land revenue granted during the famine of 1913 amounted to over a hundred and eight lakhs.

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2 Loans to agriculturists for improvements and *takavi* proper are both regulated by the Land Improvement Loans Act (19 of 1883) and Agriculturists' Loans Act (12 of 1884), and by the rules framed under them in each province. The working has varied with the personal interest taken in the matter by District Officers.—See Irrigation Commission Report.

3 The largest remission of which there is any previous record is that of Rs. seventy lakhs by Shah Jehan in the famine of 1630 (*Elliot and Dowson* VII p. 25.

Two more features of the system remain to be noted Respectable people and *pardanishin* women would rather starve in their homes than go to relief works. Amongst these also many are not averse in a time of such stress to paid work, and their relief falls under the provisions indicated above for the benefit of special classes such as weavers. But there would be large numbers of these genteel classes who would or could do no work for which any remuneration could be earned; unless helped, they would quietly starve to death or commit suicide in some manner sanctioned by their religion. Volunteers of their own or a higher status are the only channel through which GRATUITOUS RELIEF could reach them. And even with the best efforts, a number of such cases, perhaps the most deserving of all, no system of public charity could ever hope to reach, in an ancient country like ours, where we still have an extensive heritage of aristocratic pride. The cost of all gratuitous relief—to children and invalids as well as to these classes—and of extra comforts to those who earn a famine wage of some sort, is borne by CHARITABLE FUNDS. During the widespread famines at the end of the nineteenth century these funds were fed by contributions from all over the world; the 1897 fund amounted to a crore and seventy-five lakhs, of which a crore and a quarter was contributed by England; the 1900 fund amounted to a crore and a half, of which England gave nearly a crore. 1900 also saw the foundation of the Indian People's Famine Trust, by an initial donation from the then Maharaja of Jeypur of Rs. sixteen lakhs in government securities; the Trust had by the end of 1920 grown to Rs. thirty lakhs, chiefly by further contributions from members of the founder's family.[4] Lastly, all the other expenditure on famine relief in every form—establishments, transport, cost of necessaries, the wages and the doles—is met by the State. This is heavy; and it was, moreover, soon realised that a famine in one part of British India or another was a rather

4 *Indian Year Book*, 1921.

frequent phenomenon. During the decade from 1867 to 1877 famine relief had absorbed Rs. fifteen crores. From 1878, therefore, it was decided to raise an additional revenue of a crore and a half per year by extra taxation, and the object was to earmark this sum as a FAMINE INSURANCE FUND. Whenever there was a famine, relief expenditure was to be met out of it; in good years, railways or irrigation works of a protective character were to be built out of it; or when no such project was ready to spend it on, debt to that amount was to be paid off or at least less debt was to be incurred to that amount. The central idea of tha scheme was that in a country exposed to recurring calamities of this charatcter, the state was justified in imposing a little extra taxaion on the people, who by the payment of a small annual premium, as it were, could have the full benefit of its capitalised value whenever the calamity was upon them. The term, used to describe the extra fund was clearly a misnomer; here, there was no one like an insurance company to hand over the capitalised value. The policy should be regarded rather as an attempt to spread the heavy burdens of a famine over several years, and at the same time to hurry on the construction of railways so as to link up the poorer and drier parts of India with the more favoured, as quickly as possible.[5] Hence, in the construction of protective works out of revenue precedence was given to railways for over twenty years. But all the main lines of protective railways were thus constructed, and the famine commissions of 1898 and 1901 recommended that in future protective irrigation works were to be similarly constructed out of revenue as far as possible. The Irrigation Commission of 1901-03 followed. It explored the possibilities of new irrigation works all over India, productive as well as protective, and drew up schemes of protective irrigation works for the areas most frequently liable to famine,

5 For a criticism of the Famine Insurance Fund, see Dutt *Victorian Age* pp 592-4; *Famines in India* pp 78-81.

such as the Bombay Deccan, Bundelkhand, and parts of Bihar and the Central Provinces. As a consequence fairly steady progress has been made and the average annual addition to the cultivable area protected by fresh irrigation works of a 'major' type constructed by the state out of current revenues might be roughly put down at fifty thousand acres. The rate of progress has been slower during the abnormal years from 1914.

A. Loveday, History and Economics of Indian Famines.

Sir T. Morison, Indian Industrial Organisation chs 10 and 11.

§ 45 *Famine Prevention.* To protect the famine stricken and to relieve them is one and the same thing. If we restrict the term protection to relief activities pure and simple and to their immediate consequences only, all other activities on a large scale, and spread, with their consequences, over a period longer than the mere duration of a famine,–with the famine as their starting-point, the reduction of famines in extent intensity or frequency as their motive,–would be, logically speaking, activities aiming at the prevention of famine. Some of these activities and policies might have other effects also. Railways, for instance, reduce distances, unify the country, break down the isolation of the various parts, remove their ignorance of one another, make people more mobile, and while reducing their dependence upon and attachment to their birthplace increase their feeling of conscious attachment to the area of their own language and to India as a whole. Railways foster trade. Railways enable a smaller army to hold down a larger area more effectively than could a larger army a smaller area in the absence of such an effective help to rapidity of marching. An administration armed with a well-planned system of railways could rule over a very extensive area from one centre with a very small number of officers. Towns grow up more rapidly, epidemics spread faster in a region possessing a network

of railways than in one with only the old-world means of locomotion. Thus railways have political social and cultural effects as well as economic. And as long as there are areas in India which produce a surplus of food grains, to connect such areas by railways with others liable to suffer now and then from a deficiency, is to relieve the distress of the latter areas not only on a particular occasion but it is also to prevent a recurrence of it in future. Thus a well-planned policy of railway extensions spread over several decades is a policy of famine prevention, as long as in spite of deficient productiveness in some parts, a region as a whole produces sufficient for its needs as a whole. And from the point of view of administrators trying to cope with famine conditions, railway construction has this additional merit that the first stages of the actual construction only require unskilled labour working in large gangs.

Digging irrigation tanks and canals has also this merit of requiring unskilled labour in gangs. And irrigation has the further merit of bringing additional land under cultivation and winning a larger return from cultivation than before. It thus adds to the total output. It also enables an area to become independent of rainfall itself, at least for one season. If the drought be prolonged the sources of supply which irrigation distributes dry up, but such a contingency is so very rare, it might be left out of our ordinary calculations.

If we confine our attention mainly to famine needs, the superiority of a policy of extending irrigation to one of extending railways is not open to question. But it does not follow that the Indian government have been wrong in giving precedence to railways during the latter half of the nineteenth century. State policy is a complex whole where the resources available at any moment have to be carefully weighed against the needs of the moment, and the best possible working compromise sought out. The

higher utility of a rapid extension of railways from military administrative and political points of view cannot be questioned. Perhaps, all that can be said is that if irrigation extensions could have been provided earlier than they were, and at a quicker rate of progress, the country would have benefited more or suffered less. But this does not mean that such extensions could or ought to have been provided at that particular time. In matters of high policy there is no absolute principle corresponding to the categorical imperative of the intuitionist school of moral philosophy. In any country, however rich, the point is soon reached, when the statesman has to decide how to invest his last million of the available resources; his attitude of mind is—'here, now, I have only this last million: what shall I do with it—Railways? Irrigation?' He must make his choice. He cannot have both. And railways having had a start, railways being in possession, so to speak, railways being by far the larger property, and a property, too, that was a losing concern and could only be converted into one that paid by further development of it as early as possible,—it is not at all surprising that he should have decided in favour of railways, especially in view of their political and military utility also. Lastly, the choice once made, it was endorsed by the highest authority and could not be departed from. Sir Arthur Cotton, the great advocate of a rapid extension of irrigation in India succeeded on account of the famine of 1877 in attracting attention to his ideas; John Bright and other prominent men felt that England owed it to India and to herself to sift the matter thoroughly, and a select committee was appointed with Lord George Hamilton, the then Under-Secretary of State for India, as chairman (January 22, 1878). Before this committee Sir Arthur Cotton made the mistakes of both claiming too much for irrigation and running down railways too far. The Committee decided for railways, and their verdict settled the policy for twenty years.[1]

1 Dutt, *India in Victorian Age*, ch. 9.

It has been urged, however, that we have also to look at the other side of the shield. As railways spread, factory goods invaded Indian markets and conquered them, Indian manufacturers (producing by the hand, using only tools and implements of a primitive type) lost their customers, agriculture or casual unskilled labour were the only other occupations open to them, and thus railway extension at a rapid pace has meant the progressive degradation and ruralisation of the population. Even if political and military needs justified a forward railway policy, if it had been developed gradually, the invasion of Indian industries which maintained hundreds of thousands of skilled workmen each working on a small scale, by foreign large-scale industries organised in factories, would have proceeded more slowly; there might have been time for adjustments; and a stronger better balanced healthier economic organisation might have come about. As it was, the policy adopted of railway extension at the greatest possible speed, even out of additional revenues raised by fresh taxation, must be charged, at least in part, with causing the famine condition, or rather the inability of large masses of the people to tide over even the loss of a single harvest,—for which it was claimed to be the best if not the only remedy. M. G. Ranade appears to have been the first Indian to develop this point of view, in the seventies of the nineteenth century.[2] This indictment of the government railway policy has been frequently repeated since, and not only by Indian writers. Perhaps its best exponent is Mr. Loveday who reproduces it as under in his valuable essay on Indian Famines.

"It involves (he says) no criticism of the ultimate benefit accruing from the Government's policy to consider the possible damage which that policy has caused in the past. The extraordinary rapidity (of rail-

2 "About 22 years ago I had occasion to notice this collapse of domestic industries, and the gradual rustification of our chief occupations, in a series of lectures which have been published...," he said, in 1893 (Essays in Indian Economics, pp. 102-3).

way extension in India) produced an economic revolution,... not unaccompanied by suffering. The obligation to save life in times of drought and the necessity of lines of strategic utility...have been the cause of that rapidity; and it has had for effect the destruction of the native industries, and the concentration of labour on that very employment to which droughts are the most dangerous. Had strategic or economic considerations allowed the change to be more gradual, it is conceivable that greater powers of resistance might have been shown by the native industries,...so that labour might have drifted to other occupations as well as to agriculture...The commission of 1898 drew attention to the decrease in the real wages of labour...Manufactured goods of the West have been imported, raw produce has been given in exchange; the price level of the former has sunk with the increase of supply, the price level of the latter has risen with the increase in demand. It is true, no doubt, that those districts which export the greatest quantities of raw produce and grain are on the whole the least subject to drought. But the importation of manufactured articles and the consequent decay of home industries, cannot be measured by the statistics of the export trade. Though pulse and millets, the products of the poorer districts, constitute but a minute fraction of the total export of grain, the explanation of the strength of the demand of those districts for British textiles is to be fonnd in the figures of the coastal trade and the extent of internal commerce."[3]

So much space has been given to this controversy because of the importance of the principles underlying it, and because the aim of this book is a historical treatment. Throughout the nineteenth century India produced food supplies sufficient for her needs. That controlling circumstance rendered the extension of irrigation—and an absolute increase in her total production of food—comparatively less important then. But in an earlier section of this chapter we have seen reason to believe that India no longer produces enough food for herself. It might be said indeed that we have not at present sufficient statistical information as to the cultivation and produce of all our foodgrains and until such additional information is recorded all over India, we are not in a position to arrive at any conclusion on the subject. Calculations like Mr. Dubey's are no better than guesses, however carefully made. Such scepticism, however, goes too far. Where exact conclusions are not

3 *History and Economics of Indian Famines*, pp. 106-126.

available, 'probability is the guide of life.' And in this particular case our recent experience consequent upon the partial monsoon failure of 1918 afforded ample confirmation. The deficiency in the supply then disclosed, especially in certain food-grains, was so great, and the rise in prices in consequence was so abnormal,[4] that we can no longer afford to be easy-going in the matter. The policy of famine prevention now required, is, in the first place, a policy to increase our total annual production of food-supply as much and as quickly as possible. More irrigation, more and better manuring, better implements, and in one word better tillage all round, that is the most urgent need of today.

Luckily, the department of Agriculture, founded on the recommendation of the Famine Commission of 1880, and steadily developed since, especially by Lord Curzon, is aware of the need and is facing the problem in all its complexities. At the annual meeting of the Board of Agriculture in December 1919 it was resolved that (1) there should be an export tax on oil-seeds and cakes, (2) and that a total prohibition of the export of bones, horns, and fish manure was necessary, because the conservation of such natural manures for use in the country itself was a matter of the gravest importance; that for a rapid extension of irrigation it was necessary (3) to revise the maximum charges for irrigation water in view of the new level of prices, and (4) to encourage the sinking of wells (5) of small bores and (6) deep borings; that (7) rivers and other sources of water should be surveyed with a view to segect sites where, in seasons of drought, the water could be profitably lifted and utilised by oil-engines and pumps; that (8) the loss through erosion and the run-off of the water from the land was enormous, and to prevent this, as far as possible, the importance of

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4 Prices in July 1919 compared to prices in July 1914: rice had riisen from 26% in Assam to 73% in C. P., wheat had risen from 38% in Assam to 100% in C. P., millets had risen from 102% in U. P., to 132% in Bombay,—*India in 1919*, p. 66. Export of grain, pulse and flours from India proper (excluding Burma) amounted to 10·2 million ton during the 5 years 1909-10 to 1913-14; to 5·2 million tons during the next five years (*Ibid* p. 65). See also in the same government publication the scarcity chart, 1919, and the rain fall charts 1918 and 1919 and for full details the annual *Review of the Trade of India.*

embankments and a better lay-out of the land should be emphasized; that to prevent the loss of cattle, as far as possible, (9) grass areas should be improved, (10) fodder storage should be studied and extended, and (11) emergency fodder-stuffs, such as prickly pear and *nim* (नीम) leaves should be studied and the best methods of utilising them ascertained; (12) that grain storage in large quantities should also be studied; that, to obviate as far as possible the enormous loss inflicted by a single monsoon failure which runs into hundreds of crores when it is at all extensive, (13) dry tillage, drought resistant crops and varieties of crops, and crops that would ripen early should be specially studied and, finally,

(14) that "in the opinion of the Board, the problem of famine prevention and relief has now assumed a new aspect. The established policy of relief works and gratuitous relief depends for success on the existence, somewhere in India, of adequate stores of grain, while the very success of relief operations tends to obliterate the motives which, in the past, created local stores of grain. The Board is therefore of opinion that a special enquiry should now be made into the means whereby a sufficiency of foodstuffs can be secured even in the event of two successive monsoon failures. The Board considers that the best agency for making such an enquiry would be a strong Famine Commission appointed by the Government of India".[5]

The above programme, extensive as it is, appears to need still further extension in more than one direction. Agricultural and wild or forest produce other than foodgrains—textile products, woods, gums, &c.—should also be attended to; with a careful and steady development of our vast natural resources, sufficient quantities of these can be produced not only for our own use in the raw state and as the raw materials for various industries, but there should also be a growing surplus available for export. It is far better to export these both in the natural state and various more or less finished and manufactured forms,

5 Proceedings of the Board of Agriculture held at Pusa, 1-12-1919 and following days; see esp. pp, 53–66, 83-90, and 116-7.

than to export food grains and flour, oil-seeds, oil-cakes and oil, fish and fish manure, bones and horns, and similar necessaries, of which we now find, we have not a sufficient supply even for our own needs.

In the second place, one of the outstanding defects of British rule in India has been that it has never realised how great is the need of a special cattle policy in this vast agricultural country, that will not use butcher's meat as an article of diet, and depends far more than perhaps any other mass of humanity of such magnitude, upon plough cattle for its agriculture and transport, and upon milch cattle for indispensable ingredients in its dietary in substantial quantities. The great mortality of cattle in the famine of 1900 gave almost the first shock to the ingrained indifference of the European mind to the subject. The repetition of that experience in later years, including 1918, has led to further reflection. That it is necessary to preserve breeds with special qualities, that model cattle farms are needed all over the country, that more fodder must be produced, that the cruelly high child mortality in cities cannot be reduced without a far larger supply of milk, cheap and pure, than is available, are propositions which are at length being more and more seriously considered. But it does not appear even yet that the problem is being envisaged as a whole in all its complexity. A cattle policy like that of France where there are no useless or undersized cattle, where only the best are kept, treated as well as possible, and worked as hard as possible, but kept only while they are in their prime [6], is a policy that the European understands. There is hardly any difference in the European's attitude towards trees and towards cattle. The meat and the milk, the hide and the labour, the feed and the return obtained, are all entered on one side of the account or the other, the maximum of profit realised, and the necessary action taken at the right moment. To the

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6 See Keatinge, *Rural Economy*, pp. 130–131.

Indian it is not a question of a mere gain and loss account; religious sentiment enters into it and is even the decisive factor. This our rulers have known all along; but a state policy providing for steady increase in the cattle population of India, sufficient to supply the increasing needs of the growing human population, without any deterioration in quality or an undue increase in the prices the individual has to pay,—is still a problem for the future to solve.

Thirdly, suppose economic holdings constituted, suppose the live stock, the capital, the implements and the skill of the cultivator improved; suppose further that co-operative societies enable him to get the current capital he needs, and to buy what he requires and sell what he produces, without middlemen sticking their greedy fingers in: the lot of the average cultivator will be undoubtedly far better than at present. But will there not still be cases by the hundred thousand in which the farmer and his family and cattle are stinted, cases in which the 'hardly one full meal a day' condition persists? They do not know their India well who do not realise that one tap-root of India's eternal poverty is that the agriculturist and his dependents in the village home have not enough remunerative work to do all the year. How can there be a sufficiency of production for the masses at the bottom of society unless in return for hard full-time labour? Agriculture in India even with rich irrigated and manured land, does not furnish work all the year round.. In the busy season there is so much work, there is hardly labour enough to get through it in time. And as we descend in the scale of land, capital and crops, the quantum of work agriculture provides is less and less. The moral is, there must be subsidiary occupations in the village; a comprehensive policy of cottage industries and remunerative village employments must be developed.

Finally and more generally, the well-known recommendation of the famine commission of 1880 is as true

today as then: "No remedy for present evils could be complete that did not include the introduction of a diversity of occupations through which the surplus population might be drawn off from agricultural employments and led to find the means of subsistence in manufactures or some such employments".

§ 46 *Railways.* The "industrial revolution" or the transition from a mediaeval economy of production distribution and exchange, rural and selfcontained, to a modern economy resting rather on world trade and large scale production by specialised labour and machinery, was inaugurated in India before the Mutiny, by Dalhousie's "far-reaching schemes of railways, roads, canals, and public works."[1] It was Dalhousie who planned the grand trunk lines, Mayo added connecting links and feeder lines, financial exigencies delayed the execution of the schemes and in the meanwhile famines altered them here and there and added 'protective' lines, the larger Native States followed the initiative of British India, although at a great distance, and, latterly, public bodies like port-trusts and rural boards have added a few short lines here and there. Private joint stock companies without any concession from the state except in the matter of land have also constructed some lines.[2] The first railway to be opened for traffic was the Bombay to Thana section of the G. I. P. Railway, in 1853. Jabalpur was reached by the East Indian Railway from Calcutta in 1867, by the G. I. P. from Bombay in 1870; Raichur was reached from Madras in 1862 and from Bombay in 1871; and at one end Dehli and at the other Mysore were reached in 1862. The mileage open exceeded the first five thousand miles by 1871, and

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1 *Dalhousie* (R of I) p. 11. Before he became G. G. only three short lines had been sanctioned in 1845,—Calcutta to Raniganj, Madras to Arkonam, and Bombay to Kalyan, total mileage 192 miles.

2 E. g. The Barsi Light Ry, 117 miles; the Bengal Provincial, 33 miles.

every additional five thousand miles by 1882, 1889, 1896, 1901, 1907, and 1915.[3] The first ten thousand miles took about thirty years to build; the next thirty years added nearly twenty-five thousand miles. The Great War broke out August 1914, and the progress since has naturally been very much slower. 1917-18 was the worst year, when three hundred miles of broad gauge were dismantled for war purposes, and only about three hundred and fifty miles of new metre and narrow gauge lines could be opened.[4] The total mileage open at the end of 1919-20 was a little over 36,500 miles, nearly a half on the broad, and a little over fifteen thousand on the metre gauge.[5] Nearly two thousand miles more have been sanctioned and are under construction. The most important of the projects in different stages of consideration are a causeway line of a little over twenty miles to connect India and Ceylon across the sandbank of Adam's Bridge; and a railway from India to Burma, either from Chittagong to the rice-lands of Arrakan, or along the Hukwong valley in the north.

The capital needed was originally raised by a free grant of land and a guarantee of five per cent annual interest. Other conditions were that when the railway earned more than five per cent, half the surplus was to be handed over to the state every half year, and the construction working and management of the line were to be controlled by the state. The companies thus assured of their five per cent on every pie spent, had no motive for econcmy, or even for building the lines quickly or at a steady pace. Their engineers with only English experience to guide them had to pick up a knowledge of Indian conditions as they proceeded with the work, a process which turned out very costly indeed. Their standards of solidity and

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3 See the chart *India in 1919.*

4 The broad gauge is 5½ feet in width; metre, 3/3⅜ ; narrow, 2½ and 2

5 Of the total a little over 5000 miles were owned by Native States.

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thoroughness were too high. And they were men of such conservative and swadeshi (स्वदेशी) ideas, mechanics of almost every type were at first brought over all the way from England. For instance, no Indian seems to have been employed as an engine driver upto 1875. English engine drivers cost at least £ 100 more per head per year, the wastage was high so that larger cadres had to be maintained, and later when Indians came to be employed as engine drivers and in other capacities—the departure was first made, perhaps, on the state lines to be presently mentioned,—it was also found that they "worked longer hours and gave far less trouble."[6] The government wanted quicker progress at less capital outlay and with cheaper working. The old contracts, moreover, had been worded so loosely, their powers of control or check could not be exercised in practice. And the guarantee meant an increasing loss, which by 1869 had grown to an annual tax of one and a half millions sterling. Even "dear railways are far better than none," says Chesney.[7] There is, however, a limit to the price that even a despotic government can afford. The Government of India decided to give no more guarantees and to build its own railways. From 1869-70 it began to provide about two crores a year for the purpose. In 1875 the sum was raised to four crores.[8] War and famine followed. For the next few years the only sum the state could spare was what could be made available from the annual Famine Insurance Fund for the construction of 'protective' lines. Thus,the old plan of railway construction through companies attracted by means of a guarantee had to be reverted to. But the guarantee given was lower and the contracts were more carefully drawn up. The state also needed at

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6 See Fawcett, *Indian Finance*, p. 66.

7 P. 304.

8 The Rajputana Malwa Railway is a good example of the class of state railways. Its main line from Dehli and Agra to Ahmedabad was constructed, 1873-79.

once some lines, neither productive nor 'protective' but even more urgent because 'strategic', and a committee of the House of Commons examined the whole subject, about the same time as Lord George Hamilton's Irrigation Committee mentioned in the last section, and advised a loan of about two and a half crores to be raised in India annually, and to be spent, two crores on state lines of railways, half a crore on irrigation. Another committee in 1883 thought a loan of about a crore more might be raised and spent upon railways. In the nineties a fresh effort was made to recast the contracts with English companies and the terms to be granted to them. A guarantee of from two and a half to three and a half per cent[9] or a certain percentage of the net earnings of existing lines on the traffic brought to them by the new lines to be granted to these latter as a rebate as long as their own earnings did not yield a certain percentage of profit, and all surplus profits to be shared when they accrued, were the new terms. And, more recently, a few hundred miles of railways of local importance have been constructed on the security of the resources of district boards, supplemented, if necessary, by the levy of a new cess for the purpose. All the contracts, right from the time of Lord Dalhousie, included terms for the purchase of the line by the State at stated periods. Cases have happened, nevertheless, in which on the first date arriving, the state unaccountably failed to assert its right. From 1880 onwards, however when the East Indian Railway was acquired and the working again entrusted to the same company under special arrangements,[10] the policy has been followed of acquiring a line whenever it could be done according to the terms of the first contract with it, and handing

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9 E. g. The Burma Rys Co., formed 1897, accepted 2½%; the Assam Bengal, 1892, 3%; the Tapti Valley Ry. is an example of a Co. accepting rebate terms.

10 For a summary of these see *Moral and Material Progress Report*, 1882-3, p. 270.

over the working under a fresh contract to the same company or to another working a connected line. Some state lines, e. g. the Rajputana Malwa Railway, have also been handed over for working, the state only exercising general control. In the case of all such lines owned by the state, and worked by people who are not state officials but servants of independent companies, the fresh capital needed for extensions, laying down extra lines, increase of rolling stock, improvement of bridges, stations, &c., has to be provided by the state, just as in the case of lines which are both owned and worked by the state itself. Thus the Indian railway system as a whole is a growing property, which can fulfil its functions, pay its way, and yield a profit besides, only as long as it is kept in proper repairs and developed, moreover, by the pursuit of a steady and intelligent policy regularly requiring fresh amounts of capital to be sunk into it. Railways develop trade and human movements, and these react by making a growing demand for better equipped lines, more frequent and quicker services, and new extensions. Hence, in the course of the first decade of this century, it was decided that in allotting fresh capital the pressing needs of open lines were to rank first, and of lines under construction, company's lines were to rank before state lines. Plans for new lines were to go through various stages of scrutiny, and were to be passed for construction only as these prior claims allowed of it The system as a whole began to yield a clear profit to the state from 1899-1900. The average profit for the four years upto 1907-08 was nearly three crores a year, and although in 1908-09 there was a loss, the profit has gone on increasing since. It is a vast asset representing in the aggregate over £ 380 millions of capital, yielding an annual net income of from five to seven per cent.[11]

This railway system, vast as our country is vast, is admittedly an *imperium in imperio*, in many ways coming

11 The profit to the state is this income *minus* interest, annuity, sinking fund and other charges.

closer to the people than the state itself, and exercising a direct influence over the production and distribution of wealth, the success or failure of business and other activities, and the comfort or discomfort of masses of the people, second to that of no other human agency in the country. It is ruled over by a body of men as small as the Indian Civil Service, who also form a caste of foreigners even more exclusive and more unsympathetic. Immediately under them is a larger body of 'Anglo-Indians', Eurasians, and others, who hate the Indian more than any other class of men in the country, who have for the poor starving down-trodden 'cooly', only terms of abuse accentuated by kicks, and who have really no other manner or behaviour for the clerks and 'babus' doing all the intricate recording accounting and inspecting of the railways, or for the third class passengers or for any other Indians whatever. Most of these men, again, are 'volunteers', and there are hardly any other volunteers except in the few centres of the European mercantile or planting communities; thus, these men have arms and a trace, however slight, of military discipline, while all around them is Indian humanity, so mild their mildness is a vice, so accustomed to bear maltreatment uncomplainingly. From Sir John Lawrence to Mr. Gandhi prominent men in every decade have raised their voice against the maltreatment of the third class passenger and the middle class Indian gentleman by the railways and the railway-men. Mr. Curtis relates an incident in which a railway official while talking to him deferentially, kicked back like "a vicious mule" at an Indian passenger who had just happened to brush his back under circumstances in which "it was physically impossible for anything else to happen."[12] The wrongs of the third class passenger are a defect of the system. The vices of the railway official are a defect connected with the personnel of the railway staff. The only remedy for the latter is to

12 *Dyarchy* p XLIX.

dilute the railway staff with increasing numbers of middle class Indians. The true remedy for the former would involve an amount of expenditure which can only be provided by replacing the present very expensive and inefficient administration by one cheaper as well as more efficient.

The real cost of the railway system to the country is far greater than the railway accounts by themselves can ever show. This extra cost is again partly the fault of the system and partly that of the men in office, and consequently in power. Sir F. Lely's comments on railway rates[13] pillory concrete instances, examined by him about 1903, and these serve as well as any later ones to expose the faults of the system. The railway rates for goods have been so fixed as to injure the coasting trade and ruin the petty ports. "No one in his senses would object to free and fair competition between land and sea. But is it free and fair? The boat has the great natural advantage of being cheap, but it is slow and subject to greater risk. With fair play all round, much merchandise would take the rail, while other, such as coal, would prefer the water". But the railway fixes a rate for coal, coconuts, timber, and other goods of the kind, from Bombay to Broach or from Broach to Bombay, fifty to sixty per cent lower than the rate between the very next station north of it or south and Bombay; with the result that the boats which plied between Broach and Bombay by scores even upto the last generation have lost their occupation more and more and ceased to be. The rates again are the same from Bombay to Agra as, say, from Ahmedabad to Agra. Foreign matches going from Bombay to Agra are charged the same freight as Indian matches made at Ahmedabad and sent to Agra.

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13 *Suggestions.* pp 93-130: I omit his example of the adulteration of cotton or the substitution of inferior cotton for superior. The difference in prices is so great that I do not see how mere railway rating, however ingeniously planned, could stop such tricks of the trade.

"In other words the state guaranteed [B. B. and C. I. Railway and the state owned Rajputana Malwa] Railway was giving a bounty to the foreign manufacturer equivalent to the whole cost of carriage between Bombay and Ahmedabad. It would strain the powers of a viceroy to do as much for a home trade ..The Traffic Manager argued that competition from Karachi and Calcutta forced the railway to quote lower rates from Bombay. The Bombay government could not help, because this was an imperial matter. In other words not one but every native industry entering the field must be trampled down in a struggle for freight among the railways...The Traffic Manager wields an irresponsible power over the country commanded by his railway, which should not be entrusted to any man, and least of all to one who, rightly from his point of view, regards only his masters' dividend and certain wide limits set down by Government. By a slight readjustment of rates he can, and sometimes does, break down a flourishing trade or transfer it to another part of the country; he can, and sometimes does, crush a rising home manufacture in favour of a foreign customer. An amended Code of Civil Procedure occupies for days and months the wisest of the land, but is of less practical consequence to the people of a district than a new edition of their Local Goods Traffic Book."

Top-heavy establishments, with officers paid at fancy rates, necessarily involve numbers of overworked underpaid men without prospects, in the subordinate ranks. The necessary consequence is a large amount of delay, ingenious creation of technical difficulties, petty thieving, and wholesale systematised corruption. All this is an extra burden on the trade of the country and must ultimately come out of the pockets of the consumer. Can any one venture even to calculate how enormous this is? The railway system of a country is a monopoly created and maintained by the state, and it is as much the duty of the state to see that it does not take much more out of the pockets of the people than the charges publicly levied, as it is universally recognised to be, in the case of the taxation it levies directly, through the agency of its own officers.

§ 47 *Irrigation.* India is a land as various as it is vast. There are desert lands within it–Sindh, parts of the Punjab–which depend altogether upon an artificial or man-contrived supply of water for cultivation and population; there are within it wide regions where the rainfall

is deficient and irregular, and the crops in consequence more or less precarious unless the thirsty fields could get water at the right time and in the right quantities from some conveniently placed store; those parts of India, even, which have an adequate rainfall as a rule, would be benefited by irrigational facilities in more ways than one. Every few years there is a drought, when of course there would be hardly any crops but for such facilities; almost every year there are breaks in the rains, and any one of them lasting two or three days longer, might reduce the final outturn more or less seriously; and even in good years, with the help of irrigation, three crops could be raised per year or two, instead of only two or one. With the exception of the districts of the heavy black soil where cotton is the King of the crops, there is hardly any region of India which does not gain largely by irrigation facilities. *Lift irrigation,* where the sub-soil water is reached by a well and raised vertically upwards by means of a leather-bag or a rotating wheel of pots, has been practised in India from times immemorial. Madras is, relatively speaking, the province best supplied with wells, but in Bombay and the Punjab too, they might be counted by lakhs, and U. P. and C. P. are also increasing them at a fair rate. One of the best legacies handed down to us by the religious past, is our sentiment that the building of wells and stepwells is an act of piety, and rajas and their officers, merchant princes and their ladies, and *sanyasi* managers of religious foundations have all vied with one another in building and repairing wells all over this sunbaked land. The roads of the Emperor Asoka had trees on both sides, and rest-houses for man and beast at convenient intervals, and a well at each rest house. Nor were the Pathan Sultans and the Mogul Emperors behindhand in following a custom so obviously recommended by the climate. We first read of *takavi* grants for the building of wells in the terrible famine of 1345 under Muhammad Tughlak; the principle has been acted upon with increasing liberality

by the British government from 1868; and the Irrigation Commission, 1901-03, recommended a further development of the policy; and also a lower rate of interest, a longer period for the repayment of the principal, and the remission of a part of the loan if the well failed from the first or at a later date. They also proposed a subsoil water-survey and trial borings, quoting as examples the borings in Sholapur district and at Nausari.[1] A more active policy in these directions has begun with the famine of 1907.

Wells are the property of private individuals. So are small tanks and shallow pits which the rains fill with a supply of water that lasts a few months. They are very numerous in Madras, and there are a good many in Bengal also. The comparatively large ones are treated as the joint property of the village. There are a number of more or less natural depressions in the U. P., called *jhils*, which are also similarly owned and utilised. They are apt to fail just when most wanted, when the drought is prolonged, but while the water-supply lasts it is very useful indeed for the crops, especially at a pinch. The area irrigated by each is small, but because of their numbers, the total area helped, just as in the case of wells, is considerable. The large lakes, on the other hand, are the property of the state. The cost of constructing them is heavy, but the very large volume of water stored up in them can be distributed for miles. These *storage irrigation works* were not unknown to pre-British India. The Sudarshan (सुदर्शन) lake near the Girnar, an irrigation reservoir created by damming up a small stream, served the tillage of neighbouring villages for four centuries, until it was destroyed by a storm in 150 A. D. Rudradāman rebuilt the dam "three times stronger;" a storm burst it once more, it was again repaired in 458 A. D.; and then this 'Lake Beautiful' sinks below the horizon

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1 Ch. 5 section 2, and ch. 7.

of history.[2] These facts are recorded on the celebrated fragment of the Asoka pillar near Junagadh. And for southern India in mediaeval times we have the testimony of Paes how the Vijayanagar monarch had a tank built with the labour of several thousands "looking like ants so that you could not see the land."[3] Modern engineering has of course far greater resources and modern states can, by providing a lakh per year, say, from the annual revenue for only ten years, borrow twenty lakhs, which could be spent at once and repaid in thirty to forty years, that is to say, practically out of the new revenue derived from the work when completed. So wherever there is a gorge or other suitable site, and plenty of water running to waste that could be held up by a dam, the dam could be built, provided remunerative uses could be found for the water. Perhaps the most striking of the lakes and reservoirs the British government has built for irrigation purposes, is the Periar Lake three thousand feet above sea-level in the state of Travancore, which stores up the surplus water of the Periar river flowing into the Arabian Sea, and carries it by a tunnel, across the watershed, into the Vaigai river, which flows across the peninsula into the Bay of Bengal near Madura. The work was opened in 1896, and is capable of irrigating two lakhs of acres.

More important than irrigation by means of storage works, is *canal irrigation.* This also has been practised in India in localities suitable to it from a remote past. The province of Sindh, for instance, is full of the channels of old canals. The passage from Megasthenes already quoted would apply also to irrigation of this description. And the Kings of Vijayanagar cut irrigation canals from

2 Vincent Smith *Early India* pp. 132–3. The historian also quotes Megasthenes who has noted that Chandragupta's officers "measure the land, as in Egypt, and inspect the sluices carrying the water into the branch canals, so that every one may enjoy his fair share of the benefit."

3 Sewell.

the Tungbhadra as well as built large lakes, where possible. But perhaps the greatest surviving monument of Ancient India in this class of work is the 'Grand Anicut' or weir in the Kaveri delta, which is believed to have been originally constructed in the first centuries of the Christian era. The Jamna Canal of Firoz Shah Tughlak and the Agra Canal of the Mogul Emperors were the most extensive works of the kind attempted in Muhammadan India. But the inundation and perennial canals of British engineers have far surpassed any pre-British works of the kind both in magnitude and utility. The construction of productive irrigation works of this type out of loans might have proceeded at a quicker rate, but for the failure of two great projects at an early date in the history of irrigation. Sir Arthur Cotton's Tungbhadra project was undertaken by the Madras Irrigation and Canal Company in 1863 with a capital of one million pounds and a guarantee of five per cent; only a small section of it, however, was ever constructed, and the company had to be bought off by the government in 1883. Sir Arthur's Orissa canal scheme was undertaken by the East India Irrigation and Canal Company in 1860, without any guarantee, but the Company could not raise the necessary funds, and had to be bought off in 1868. Hence it was that the construction of irrigation works could not be proceeded with by means of companies; government had to construct them itself out of loan funds and surplus revenues. Sir John Lawrence began this new policy with the repair reconstruction and extension of the West Jamna Canal; the renovated canal was able to irrigate five lakhs of acres, and subsequent extensions have increased its capacity still further. The Agra Canal also from the Jamna was restored and improved, and it was opened in 1874. The first original work constructed by the British government,—begun 1848, opened by Dalhousie 1854—was the Ganges Canal, followed up later by the Lower Ganges Canal, opened 1878, each of which became capable of watering over eight lakhs of

acres. But works of this character cannot be judged solely with reference to the area irrigated by them. The great triumphs of modern engineering skill in this line are to be seen in the Punjab. The Himalayan snows are perennial stores of water, which, as they melt, send continual supplies down the innumerable streams which coalesce into the noble rivers that ultimately fall into the Indus. The slope of the land is also all that the heart of the engineer could desire, and extensive tracts in the province have a soil that without water is desert sands, but with water yields rich crops of a high quality year after year. The Punjab canals had in 1905 the capacity of irrigating over five million acres, and during the last fifteen years this has almost doubled. What this means in terms of concrete plenty and prosperity, the canal colonies of the Punjab reveal at a glance and in the most convincing manner. The best example is the Chenab Canal Colony in the Rechna Doab. With an area of 3900 square miles, in 1892 it was inhabited by 70,000 nomads. In nine years it was transformed into a busy hive of 791,000 flourishing agriculturists; and by 1912, the population had risen to 1,111,000. The indirect gain from relief of pressure to the congested areas of the Punjab was nearly as great. The Triple Canal Project recommended by the Irrigation Commission (1901–3) and sanctioned in 1904, has combined into one the Upper Jhelam, Upper Chenab, and Lower Bari canal systems at a cost of over seven million pounds, and was declared open in 1912. The great service rendered by the Irrigation Commission (1901-03) in recommending greater expenditure on irrigation works and a more liberal policy about advances for wells has been already mentioned. Perhaps their greatest service resided in changing the attitude of government altogether as to the proper view to take of the costliness as well as the utility of irrigation works in regions unfavourable to their construction. The Sindh canals for instance irrigated two and a half million acres at a capital cost of two million pounds.

The canals in Gujrat and the Deccan irrigated no more than 340,000 acres and at a capital cost of over four million pounds.[4] A simple arithmetical calculation showed how much more productive a pound was when spent in one part of the presidency than in the other. The Commission argued, however, from the direct losses the recent famines had inflicted on people and State alike; they took the district of Sholapur as an example, which had cost on an average Rs. five lakhs a year on famine relief for a period of thirty-three years, added to this the further loss due to loss of revenue and the lowered economic condition of the people, and thus argued that quite a different standard of profit and loss applied to irrigation schemes in regions which had the double misfortune of offering little scope for such schemes, and at the same time of necessitating a very high expenditure upon them.[5] And they drew up an extensive programme recommending various schemes for every province. The total cost they put at forty four crores, only one-third on productive and the rest on intermediate and unproductive [6] works, and they anticipated that the works would take not less than twenty years to complete, and would, when completed, irrigate six million and a half acres. With regard to the Bombay Deccan in particular, they said that the abundant rainfall on the Ghats could be stored—at a price—in suitable sites and carried thence to the districts in need of it. The Government accepted most of their recommendations, discovered in working along the lines they had indicated that the possibilities of irrigation works were greater even than those the Commis-

4 *India in 1919*, p. 116

5 Report ch. 4 secs. i and ii.

6 Productive—certain to yield at least 5% within 10 years of completion; unproductive—certain not to do so; intermediate—works about which neither statement could be made (§ 125).

sion had in view,[7] and have been following a more active programme of construction during the last two decades. The completion of the Triple Canal system in the Punjab has been already noted. Protective irrigation works, on which the Commission laid such stress have also advanced considerably. Of these the Nira Right Bank Canal which will irrigate two lakhs of acres when complete, and the Godavari and the Pravara Schemes, sanctioned in 1906 might be specially mentioned. To take a more general view, in 1902-03 there were only 350,000 acres irrigated by protective works; and of these there were 49000 acres in the U. P., 59000 in the Bombay Deccan, and 85000 in Madras. By 1918-19 the total for British India had doubled, the Deccan having gained 63000 acres, Madras 23000, and the U. P. as many as 162000. Lastly, students of the subject should note that although a big canal flowing like a river through several districts and throwing out thousands of distributaries in a carefully designed net-work, or a big lake in picturesque seenery giving out miniature rivers for miles carried across all obstacles, might strike the imagination, and although the capital sunk on these extensive works amounted to colossal figures, the small well and the petty tank of the cultivator also rendered a service by no means negligible. Just as the population inhabiting our small villages was in the aggregate hundreds of millions, because although each village was so small there were several lakhs of them, so also the total area irrigated by our wells and tanks, the work of the people, with only a little help in recent years from the state, was very large indeed, and for the same reason. The Irrigation Commission calculated in 1903 that in 1877-8 the total irrigated area in British India was thirty

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7 In 1918-19 there were 15 major works under construction, 7 awaiting sanction, 11 projects under investigation, all together estimated to cost 60 crores India in 1919, p. 114.

three million acres, out of which private works irrigated twenty two and a half millions while the state works irrigated only ten and a half; the proportion of private to state irrigation was as 68: 32. In 1902–3 the total in their opinion had increased to 44 millions, and out of that private works irrigated twentyfive millions and a half while the state works irrigated eighteen and a half million acres; the proportion at that date was thus 58 : 42. At the end of 1918–19 the area irrigated by state works had grown to over twentyfive million acres. Even if we assume that the growth in the area irrigated by private works was at the same rate as in the former period, it must be put down at very nearly twenty-nine millions, or an area larger than the state irrigated area by over three million acres.

CHAPTER X

FINANCE.

§ 48 *State needs.* There is really no limit to the needs of the modern state. It wants from the people all they can spare for its purposes, and restrains itself with difficulty at the margin,—wide or narrow according to the habits and circumstances of the people—where political discontent and the increasing friction of collection advise a halt in no uncertain terms. Wars have become fewer, it is true, and shorter, but armies and navies have grown continuously and the advance of science, and the rising prosperity of the people with the rise in the standard of living necessarily resulting, have made them more and more costly. The devastation of war itself has become less frequent, but the burden of being prepared for the eventuality of war has grown, until in some cases at least, the inability to support it longer has precipitated war, as

the less unbearable alternative. The nations at the apex of prosperity and progress have led the way, and all others have had to follow, more or less.

As population grows, the cost of roads and communications grows; the advance of science revolutionised transport during the nineteenth century, and the railways, ships, canals and ports of modern times have a capacity and efficiency undreamt of by former ages, but the cost too has grown to undreamt of heights, and, whatever the theory, the practice has grown of placing these indispensable services more and more under state direction. As population grows, the cost of preserving health and maintaining and improving sanitary conditions grows, the proportion of orphans, failures, disabled persons, and aged persons, with none to support them, grows beyond the means of private charity, sporadic efforts break down, and the state has to undertake these duties on uniform national lines. In economic activities, properly so called, the distinctive modern note is production on a large scale for which labour has to be concentrated in masses working through the instrumentality of machines growing in numbers and variety, each needing specialised skill to yield the net maximum of output; the raw material has to be obtained from the ends of the earth and often in enormous quantities; and the finished product has to seek distant markets, for the locality where it is turned out cannot possibly consume even a small fraction of it. All this implies elaborate organisation with delicate adjustments. The labourer has merely to obey orders as the mere soldier has to, in an army operating on a vast front, and here, too, whatever the theory, the logic of facts is inexorable, and the practice grows of greater inspection control and support by the state on uniform national lines. The maintenance of internal peace and order also becomes costlier as population increases, and as crime learns to prostitute the various advances of modern knowledge and the wonderful facilities of modern society to its own ends.

Sensibility to suffering, appreciation of cause and effect, and the feeling that the struggle for existence is getting very keen have also grown, and one of the joint products is an ideal of education more complex and exacting than had been possible in the past. How far this growing ideal can be reduced to practice remains to be seen, but the whole meaning of human existence is to work for the attainment of ideals, and, whatever the theory, again, in practice this sphere too is falling more and more into the hands of the state to direct, control, and improve. In one word, the modern state is more and more expected to be the educator of rising generations in order that they at least might have a progressively better world to live in than we and our forbears have had to suffer from: a world of less suffering and more knowledge, a world where insight is surer, and character less inadequate to the strains, the calls, the opportunities, the visions, and the dedications of life. The State, in fine, the modern man enthrones in his heart as Secular Providence, and the state bureau is the only temple to which he willingly brings offerings, full of hope. Is this all a delusion? Who knows? The ultimate truth of life and thought, philosophy and humanity, can never be seen free from doubts and mists and dark indefinable masses in the background; those to whom the faith and the hope are given will walk by their light, while they possess the urge of youth, while those others, their brothers, to whom the light has been denied, will still follow at a distance, grousing and grumbling.

§ 49 *Expenditure.—1* WARS AND WAR-SERVICES Sir J. Kaye complained in 1853: "It is a truth to be wept over by every friend of humanity that within the last fifteen years whilst some five million pounds have been spent on great national works, thirty millions have been spent in wars." [1] The East India Company had incurred a public debt of over £ fifty millions when the

1 p. 317.

sceptre passed from its hands, and the Mutiny added to it over £ forty millions. But by 1858 British conquests in India had reached the natural frontiers of the country, and the only war on a large scale which India had to wage during the period from 1858 to 1914, was the Afghan war of the Disraeli Ministry (1878-80). This cost over £ twenty-two millions, out of which England paid five. Lord Dufferin's Burmese expedition (1885-6) and Lord Curzon's Tibetan expedition (1903) were not much bigger than some of the various expeditions, campaigns and blockades which have had to be frequently undertaken on the N. W. frontier between the Indus and Afghanistan proper.[2] There have been quite a number of these, in fact, there have been periods during which this No-Man's Land has been almost continuously disturbed for a number of years at a time, but the total cost has not been really heavy, especially when we consider the length of the period covered, and the training in actual warfare afforded to our troops.[3]

Less easy to defend was the burden England imposed upon India upto about 1900, by employing our troops on Imperial objects outside India, and paying for them either not at all, or very inadequately. On more than

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2 The most important were—the Umbeyla or Black Mtn Campaign, 1862-3; the Bhutan War, 1865; the Gilgit Expedition (occupation of Hunza and Nagar), 1891-2; the Re-occupation of the Kurram Valley, 1892; the Chitral Expedition, 1895; the Tirah Expedition, 1897; the Mahsud Blockade, 1901; the military and naval blockade of the Makran coast upto and inside the Persian Gulf for several years from 1910 to suppress gun-running; the Abor Expedition, 1911-12.

3 In how many of these cases was Government fully justified in a resort to arms? The Tibetan expedition has been almost universally condemned, and the last Burmese War will always appear to some minds to have been a case of Imperial land-grabbing. Even the frontier expeditions have not escaped hostile criticism. These, however, are questions of high policy, and though very important in themselves, are to be kept apart, as far as possible, from questions of finance. So far as any of these wars was unjustifiable, the money spent upon it was of course wasted, and there was so much less available for better objects

one occasion the Government of India protested vigorously, as had the Court of Directors before them, for the practice had originated before 1858; but it was easier for the British Ministry and parliament to impose their will upon the Secretary of State for India than upon the Board of Control; or we may describe the position in another way by saying that the Government of India had a distinctly lower status and influence under the Act of 1858 than had their predecessors the East India Company through their two organs, the Court of Directors and the Court of Proprietors. The Act had provided, we have seen, that whenever Indian troops were employed beyond the frontiers of India, the matter was to be brought to the notice of parliament at an early date, and that no such expenditure was to be imposed upon India without their consent. Even this express provision was disregarded on more than one occasion; so that the behavionr of the richest empire the world has known towards this poor dependency, was in these matters not only mean and unfair, but also illegal at times. This shabby page of British Imperialism began with the Abyssinian War of 1867,[5] and was not closed until the Boer War at the end of the century inaugurated a fairer

4 E. g. The Perak Expedition (1875). As to this, Lord Northbrook told the Welby Commission—"I protested. No Address was moved in the House, so that the law was broken." (Dutt, *Victorian Age*, p. 563). Again, as to the Sudan, "the continued employment of the Indian troops at Suakin as a garrison was not covered by the Address" (p. 564).

5 The Governor General, Sir John Lawrence, wrote, November 4, 1867: "Surely this is neither a question of hiring nor lending, but simply one of payment by the country which employs the troops... all the expenses of the British troops employed in the Mutiny who came from England, were paid out of the revenues of India. I recollect very well, that in 1859 and 1860, India was even charged for the cost of unreasonably large numbers of men who were accumulated in the depots in England, nominally for the Indian service....In the present case, India has no interest whatever in the Abyssinian expedition, and...she should pay none of its cost." Bosworth Smith, *Life*, ch. 28 (Nelson: p. 513).

treatment of the subject from England. The change might be attributed not so much to the men in charge at the moment, Lord Curzon and Lord George Hamilton, as to the cumulative effect of the strong criticism repeatedly expressed on the matter, and especially by the official and unofficial witnesses before, the Select Committee on Indian Finance 1871-4, and the Welby Commission on Indian Expenditure, 1895-1900.[6]

Least defensible of all, as involving not only a large burden, imposed upon India as an additional annual tax, but also issues graver by far than the mere money cost of it, was the policy that deliberately saddled her with an army much larger than her actual needs, and constituted, moreover, so as to insure the permanent military supremacy of the ruling power at an incalculable sacrifice to the people thus brought completely under subjection. The aim was to maintain a force ready to take the field at a moment's notice, large enough to hold the frontier until reinforcements could arrive from England, and at the same time, another force large enough to hold the country down with ease. In order to obviate all possibility of another conflagration like the Mutiny, the proportion of British troops to Indian was fixed at 1:2; the equipment and training of the Indian troops were kept inferior; the proportion of British officers was increased, the prospects of the Indian to rise in the army were kept lower even than in the days of the Company; the British troops were to be short service men in the prime of life, and troopships ploughed the seas perpetually to bring up fresh relays of British youth to replace the older soldiers; the Indian troops were kept longer in the ranks, and special care was taken to see that there did not accumulate in any part of the country large numbers of men trained in the army,

6 For these see Dutt, *Victorian Age*, bk II ch 10 and bk III ch 11 This is a good instance of a change in practice, without any change in law, brought about by juster notions gradually prevailing.

discharged and discontented; and, lastly, the recruiting of Indian soldiers was carried out on a system that can only be described as increasingly anti-Indian. The more the system is studied as a whole and in all its details, the more plainly does it reveal an utter distrust of the Indian, and at the same time a firm determination to employ all the means that the clearest and the shrewdest intellect could devise to hold him down for ever as a conquered subject. This army, this unique creation of British Imperialism, must certainly be pronounced a great achievement of practical statesmanship. It has throughout performed successfully the functions for which it was designed, and has also been able to lend a hand, as we have seen, in the defence and the expansion of the Empire in Africa and Europe[7] as well as in Asia. The cost of it has been heavy, almost too heavy for the country to bear; and the moral cost, if the view here presented be at all sound, so far outweighs the material, that to say much about the latter would be almost a waste of time and space. Still, some indication of the money cost, however brief, can hardly be omitted from this section. The period under review began with an army of 186,000,62,000 British and 124,000 Indian troops, costing Rs. sixteen crores a year. In 1885-6 it was increased to 211,000, 71,000 British and 140,000 Indian troops, and cost Rs. eighteen crores a year. In 1894-5 it was further increased by 9,000, 3,000 British and 6000 Indian troops, which meant another two crores per year. The pay of the British soldier and the charges to be paid for him to England have been increased more than once. The pay of the Indian soldier was also increased from the 1st January 1899. And barracks, military works, and equipment have swallowed up large sums every decade. Perhaps the costliest period was the

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7 Disraeli had called up an Indian contingent to Malta, 1877. The services of the Indian army, British and Indian, in the Great War in France, Belgium and Gallipoli are too recent and too well-known to need detailed reference.

decade from 1899 to 1909, during which £fifteen millions were spent upon these necessaries. The average net cost of the Military Services under all heads during the three years preceding the war was over nineteen and a half million pounds per year.

II FAMINES. The loss to the people from famines is far greater, we have seen, than the indirect and direct loss to the state, and this latter again is far greater than the direct and indirect expenditure the state is obliged to undertake because of famines. In this section we can only deal very briefly and roughly with the last and the lowest of these three amounts, nor can we take account of more than one part of it, viz. the direct expenditure. It has been shown in an earlier section that the cost of direct famine relief to the state during the decade from 1868 to 1877 was Rs. fifteen crores, and so a Famine Insurance Fund was constituted from 1878 amounting to Rs. one crore and a half per year. No such sum, however, could be provided on account of the Afghan War before 1881-82. During the decade 1873 to 1882 the amount spent on Famine Relief and Insurance was a little over £ seventeen and a half millions; from 1886 to 1890 only Rs. one crore and sixty eight lakhs altogether could be provided, but the larger provision in the remaining years of the decade brought up the total to a little under £ six millions; thus, adding to this amount the two million pounds actually provided in 1881-2 and 1882-3, we have for the so called Famine Insurance Fund an actual expenditure of only £ eight millions during the first twelve years after the Fund was constituted, whereas the additional taxation imposed for the purpose was on the understanding that £ twelve millions would be allotted. And this concrete financial criticism is all the more damaging in that it accepts all the sums actually debited to this head as rightly debited, although objection could be reasonably taken against

more than one of them. To resume our statement of the direct cost of famines. During the next decade (1893-1902) the full crore and a half was provided only in the first year; only three crores were allotted during the next three years. Then followed the great famine of 1896-7 which cost Rs. seven crores and a quarter in direct relief;and the greater famine of 1899-1900 which cost over Rs. ten crores in direct relief. During the decade 1901 to 1911, not ten but eleven million pounds and three-quarters [8] had to be allotted to this head of expenditure, mainly because of the famine of 1907-08.

III RAILWAYS AND IRRIGATION As has been noted above, Sir John Lawrence started the policy of state construction of "productive" [9] works out of loans Before his time the expenditure on ordinary irrigation and public works out of revenue had risen from £ one third million in 1849 to over £ four millions in 1858. When it exceeded six millions in the year 1867-8, it was perceived that the treasury could not provide the amount out of ordinary revenues, still less go on enhancing it, without an increase in the burdens of taxation that would be unbearable, especially as the sum the government had to find annually to make up the guaranteed interest of 5 % to the railway companies, was also increasing year by year. "Protective" public works–railways and canals–began to appear in the accounts from 1881 as a result of the recommendations of the Famine Commission of 1880, and we have seen above how the Famine Insurance Fund was

8 For the figures in this chapter, see the decennial issues of the *Moral and Material Progress and Condition Reports* the Imperial Gazetteer, and for figures later than 1911-12, the annual *Financial Statement and Budget*, all government publications; and from 1914, the handy *Indian Year Book*, already referred to more than once, published by the *Times of India*.

9 Sir J. Lawrence called them "extraordinary;" the epithet "productive" was substituted and the policy developed in some detail by a committee of parliament in 1879.

created by additional taxation in order that such schemes could be pursued more or less steadily, and progressively realised. Throughout the period under review government have consistently borrowed as much money as they could in England and in India, and they have kept themselves well supplied on the whole with railway and irrigation schemes to spend it on. And it must be admitted that where vast sums and large undertakings spread over years are involved, the pursuit of a steady policy like this makes on the whole for economy to an incalculable extent. Railways, we have noted, have been the favourite investment; irrigation sehemes obtained very much less of the money available, for a whole generation. But we have alse seen that from the beginning of the present century much larger sums have been allotted to irrigation, mainly because of the rude experience of the famines of 1897 and 1900 and the plain moral deduced from it by Sir Colin Scott-Moncrieff's Commission. The public debt has grown from about £ 92 millions in 1861 to 157[10] in 1882. But by the latter year £ 43 millions of capital had been sunk by the state in railways and 21 millions, more in major irrigation works of a productive character; so that the burden of the debt was then no more than what it had been in 1861. During the twenty years from 1882 to 1902 the debt increased nominally to £ 211 millions; but it had been really reduced to £ 72 millions, as by that year the capital spent by the state on railways and irrigation had reached the figure of £ 139 millions. Finally by the end of 1913-14, the last year before the Great War, the debt had swelled nominally to £ 274 millions; but again we have to enter on the other side of the account £ 45·5 millions spent by the state upto that date on irrigation works, and a railway property which, inclusive of the guaranteed railways purchased by the state, was worth at least £ 330 millions on that date.

10 The rupee debt being converted at Rs. 10 or Rx. 1 = £ 1. In the figures for 1902 and 1913-14 it has been calculated at Rs. 15 = £ 1.

Thus the Government of India is as a property-owning corporation a wealthy party whose assets exceed the liabilities by over £ one hundred millions. And many Englishmen entertain the opinion, not only that this growing wealth has been created by British foresight, persistence, supervision, and control, but also that Indians do not possess nor are they capable of acquiring the qualities necessary for the efficient management and steady improvement of this property, so valuable in itself and so beneficial to the entire population. On the other hand, Indians can acquire confidence in themselves and inspire it in others, only in proportion as they get the chance of managing and developing large concerns, involving millions of property and employing hundreds and even thousands of men in various capacities.

§ 50 *Expenditure*: *Ordinary Civil.* IV PUBLIC WORKS of a non-military character and other than railways or irrigation works, were provided out of current revenues, and the expenditure varied according to the character of the year. They were taken out of the hands of the Military Board by Dalhousie in 1855, and separated from State Railways and Irrigation by Lawrence. New civil buildings, repairs to communications, new communications, repairs to buildings, and establishments, are the principal sub-heads. Buidings range from the Secretariat at Dehli to a *chowki* in a petty village. Roads are metalled or ordinary, with bridges throughout their length, or only at some places; or they are banked and surfaced roads, or only banked, or only cleared, and drained only more or less partially. All these are regularly maintained. There were not forty thousand miles of metalled, nor one hundred and forty thousand miles of unmetalled, roads in British India by 1901-02; this record no one could regard as at all satisfactory for our vast country. The net expenditure incurred by the State varied; it was £ 2·7 millions in 1902-03, £ 3·8 millions in 1882-3, £ 4·4 millions in

1862-3, and £ 5·1 millions in 1911-12; the average for the three years just preceding the Great War was £ 5·4 millions.

V (a, b) Civil Departments and Miscellaneous. The general heading Civil Departments comprised ten sub-heads: (1) General Administration, (2) Courts of Law, (3) Jails, (4) Police, (5) Ports and Pilotage, (6) Education, (7) Ecclesiastical, (8) Medical, (9) Political, (10) Scientific and Minor Departments. Let us consider briefly the more important of these, mainly from the point of view of finance.

(1) *General Administration* meant the upper Civil Administration from the Secretary of State and his Council down to the Commissioners of Divisions. Exceptional expenditure prompted from motives of high policy, such as on a Dehli Durbar, a Jubilee celebration, or a visit from a member of the Royal family, was also entered under this head. Apart from the occasional fluctuations thus arising, the cost under this head remained stationary for a long period; for, as we have seen, there was no change of importance in the upper administrative organisation of British India from 1858 to 1893; there has been no extension of boundaries, either, except in the case of Burma. Curzon's partition and constitution of the N. W. F. P. province, Morley's enlargement of the executives and legislatures, the visit of His Imperial Majesty, and the repartition of Bengal and the formation of Dehli as a separate province, were on the other hand all crowded together in one decade, and the expenditure under this head, £ 1·3 millions in 1901-02, became £ 2·6 millions by 1911-12. Some economy had been effected since, and the average for the three years ending with 1913-14 was £ 2·2 millions. The new Government of India Act with its enlarged executives and legislatures will of course involve another large increase, commencing with 1920-21; but for the first time in the history of British India a substantial, and let us hope an

increasing, proportion of the total will come into Indian hands and circulate inside the country.

(2,3) *Law Courts, Law Officers, and Jails.* This head need not detain us. The net cost has for many years been in the neighbourhood of half a million pounds for jails, and five times that amount for law and justice.

(4) Police. The Police Department began in 1782, when Lord Cornwallis took away the police functions of the zamindars and enstrusted them to the District Magistrates. Several *darogas* were appointed for each district, each *daroga* had twenty to fifty armed men under him, and this civil force apprehended offenders and brought them up to the district magistrate for trial. In Madras and in Bombay, on the other hand, the indigenous system of the village *patel* and the village watchman was continued. The presidency towns were the first to obtain a special police force for the preservation of peace and the arrest of offenders, Calcutta leading the way in 1829. For the mofussil Sir Charles Napier organised a semi-military force for police functions in Sindh, placing it under officers directly subordinate to the district magistrates. This was almost the only success of his administration of the province. His system was copied in Bombay and the Punjab, after the Mutiny it was introduced into Agra, and Madras (1859), and the Police Act of 1861 made it uniform all over British India; and the special department for the suppression of Thugee (1830), to which the function of suppressing and extirpating Dakaity had also been assigned (1839), took its place inside the larger organisation. This special branch was not abolished until 1904, when under the recommendations of the Police Commission of 1902-03, a new branch was started instead, the Criminal Investigation Department, well-known by its shorter title, the C. I. D. Every province has an Inspector General of Police; under him are Deputy Inspectors-General, one for each division or

circle. The entire police force in a district is under the District Superintendent, who in the performance of his duties behaves as a subordinate of the District Magistrate. And each district is subdivided into several charges, each under an Assistant Superintendent. Upto this grade in the department all the officers are European British subjects, and the great majority, moreover, selected as the result of the annual competitive examination held for the purpose in England from 1894. Below this imperial service the Police Commission just mentioned created the provincial branch, the officers of the highest grade being called Deputy Superintendents, entrusted with practically the same functions as the Assistant Superintendents. Each of the *talukas* under the charge of an Assistant or Deputy-Superintendent is subdivided into circles, with an Inspector directly responsible for it. And the lowest unit of the organisation is the area entrusted to a Sub-Inspector, who is the lowest police officer. Under him are the rank and file of constables. The police force of the presidency towns is organised on similar lines, though some of the grades are styled differently. The Railway Police and the C. I. D. are branches organised on parallel lines. And some of the provinces-Burma, Assam, the Punjab, and N. W. F. P.—have military police in addition to the ordinary civil force.

Apart from the village watchmen, the police force numbered under a lakh and a half upto 1880 and cost about Rs. two crores and twenty lakhs. In the eighties better training arrangements were made, the proportion of officers was raised, and the net cost by 1891 was Rs. three crores and forty lakhs. In 1901 the force numbered 163,000 men under 517 European officers, and the cost was Rs. thirty lakhs more. Then came the Police Commission and the reforms recommended by it. The numbers rose by 1911 to one hundred and ninety thousand, under 650 European and 234 Indian officers (Deputy Superintendents), the pay was improved, and the net cost also

increased by Rs. three crores. And during the triennium ending with the outbreak of the Great War, the average net cost was about Rs. six crores and ninety lakhs.

(6) *Education.* The total expenditure on the public educational institutions in British India, which being Government institutions are wholly controlled by the Education Department, or being aided by Government are inspected and partially controlled by the same agency, is derived from Government funds (including the funds of municipalities and local boards), or from fees, or from subscriptions and endowments by private individuals, or from other miscellaneous sources. The growth in the expenditure upon education from public funds has been at a gradually increasing rate. From Rs. 91 lakhs in 1873-4, it grew to one crore and eight lakhs in 1881-2, two crores and seventy-seven lakhs in 1901-2, and four crores and six lakhs in 1911-12. The total expenditure from all sources grew from four crores and two lakhs in 1901-2 to seven crores and eighty-seven lakhs in the official year preceding the Great War, and has gone on increasing at an average rate of over thirty-two lakhs per year since; the rate of growth in the contribution from public or government funds has been nearly Rs. twenty lakhs a year, and that of the burden borne by private funds (fees &c.), has been a little over Rs. twelve lakhs a year. The distribution of the expenditure over the entire field of education can be seen from the following table:—

In lakhs of Rupees.

Year	...1881-82	1891-92	1901-02	1911-12	1918-19
University Ed. ...	18	33	46	87	159
Secondary Ed. ...	48	99	127	209	367
Primary Ed. ...	76	96	119	207	353
Special Ed. ...	9	17	23	54	84
Direction and Inspection...	17	22	25	48	62
Buildings &c. ...	9	22	23	97	142
Scholarships ...	5	7	9	13	24
Miscellaneous ...	4	8	27	72	108
Total	... *1,86*	*3,04*	*3,99*	*7,87*	*12,99*

1 For the figures for 1918-19 see *Indian Education in 1918-19* published by the Government of India. The total for 1901 in the table is three lakhs less than the figure mentioned a little earlier. But there are many discrepancies in the official publications themselves.

It should be noted that Special Education comprises principally technical and industrial schools, training schools, medical schools, schools of art, and commercial schools; and that under Buildings &c. are included furniture and all varieties of scholastic apparatus, appliances, models, instruments &c., as well as buildings proper. A mutual comparison of these forty-five figures, vertically and horizontally, will of itself suggest many a reflection and criticism. The defects of the system both as a whole and in the mutual relations of its various parts lie almost on the surface. Some of them will be dealt with in a later chapter. Here, it would not be appropriate to the main subject to refer to more than two of them. In the first place, look at the unspeakably meagre provision for Special Education. A finance minister cannot draw more and more from the people for the state treasury unless the productive capacities of the people go on increasing; and this end cannot be realised under modern conditions of international competition, without heavy and growing expenditure on a sufficient number of technical institutions of every variety. While it is true in a sense that all sound education is productive, all technical education worthy of the name is directly productive. Well-trained agriculturists, mechanics, artisans, chemists, engineers, ship-builders, and other skilled workers too numerous in their variety to detail, would be productive in a far higher sense than railways and irrigation canals, fisheries and mines, forests and plantations. These other material objects, indeed, are productive only in so far as there are the human agents armed with the necessary skill to make or work and develop them. And to arm an increasing number of the boys and girls as they grow up with the necessary skill is to establish and rapidly develop a well-conceived system of technical and vocational education all over the country, properly correlated to the key-industries, the main occupations, and the economic products and peculiarities of each linguistic

area. How much of this can be done in our vast country with a beggarly eighty-four lakhs a year?

Secondly, compare the expenditure on education as a whole with the expenditure upon the various other objects more or less briefly discussed in these sections. Could not more have been allotted to this, if necessary, even at the expense of one or more of the others? Cannot more, and a faster rate of progress, be provided now and in the immediate future? And if it be really found impossible to do so out of current revenues, why should there not be a thorough examination of Sir M. Vishweshwaraya's suggestion of "a loan averaging about fifteen crores per annum during the next ten years for the development of education and industries"?[2]

(8) *Medical.* This is another head of expenditure which badly needs a large and an immediate increase. The death rate in India is high.[3] The death-rate of women within the child-bearing age-limits is higher. The rate of infant mortality is dreadful. Our bloated cities are areas where diseases rage like forest-fires. And yet our rural areas, scanty in resources because of the want of work, are pouring their life-streams into these stinking slums in increasing volume. Malaria takes off about a million people per year, and the numbers who recover only to lead lives lacking in vigour and hope cannot be counted. Now and then there is an epidemic of fevers, when more than two millions die of it in less than a year, as in 1908. Such an epidemic is followed, moreover, by a year of a lower birth-rate. The influenza carried off six millions in 1917.

2 *Reconstructing India*, p. 109; See also pp. 168-9, 260-269, &c.

3 See the diagrams in *India in 1919*. It has been argued that the death-rate has been rising for some time—See, e. g. *Gokhle*, first Budget Speech, 26-3-1902, Appendix. There is expert authority accepted by the Census Commissioner, 1911, for the view that the vitality of the people is declining—See P. K. Wattal, *Population Problem*, ch. 3. In so far as these opinions are really well-founded, there is all the greater need for a rapid development of medical and sanitary provision.

The average mortality from plague since it broke out first in August 1896 works out at five lakhs a year, though the later portion of the period with its reduced numbers has reduced the average for the whole. Cholera, which can take a heavy toll only from cities pilgrimages and fairs, has become less frequent with better water supply and improved conservancy and medical treatment, but still it killed seven lakhs in 1907 and nearly six lakhs in 1891, and the year is rare in which it kills less than two lakhs. Small-pox is about the only scourge whose ravages have fallen off during the British period. Vaccination was introduced early in the sixties of the last century. It had to contend against the ignorant prejudices and superstitions of the people. In 1864–5 only 556 persons were vaccinated in the whole of North India. From such microscopic beginnings, however, the activities of the department have grown until they reached fair proportions. By 1880-1 the annual vaccinations were over four millions, and the next two decades doubled the number.

Perhaps the first civil hospital in British India was opened at Madras in 1679; the Calcutta General Hospital was opened in 1795. The number of hospitals and dispensaries[4] has grown at a snail's pace, There were 1247 in 1881, 1809 in 1891, 3,402 in 1901, and 4128 in 1911. The population of British India was in 1911 over 244-45 millions. Does that give one hospital to 59,168 people? By no means. Bombay is the only major province with a higher urban population than 11·8 % and even in Bombay over four-fifths of the people are rural. At the other extreme stands Bihar and Orissa, backward and mediaeval

4 These hospitals and dispensaries are grouped into six classes State Public institutions, State Special, Police, Forest and Surveys, Canals, and others, further subdivided into private Aided, private Unaided, and Railway institutions). Out of the total, more than half are maintained wholly or partly from municipal and local boards funds. There were in all 83 hospitals and dispensaries in Calcutta, Madras and Bombay at the beginning of the century.

with a vengeance, if you associate progress and modernity principally with towns; for this province has only 3·7 % living in towns out of its population of thirty-four millions and a half; and, of course, very few of our four thousand hospitals are in villages.

It may be remembered that the East India Company thought of a proper system of laws and law-courts only when parliament threw India open to Englishmen. It is equally curious to discover that improvements in the general sanitation of the country were seriously thought of only when the Army Sanitary Commission, 1863, pointed out that the army itself could not possibly be expected to keep better health without them. Sanitary Boards and Commissioners were appointed. But what could these foreigners utterly ignorant of the language ways and medical and hygienic conceptions of the people, obsessed moreover with the fads and fanaticisms of new science, achieve? It is all very well to call the Indian village a dung-heap with stagnant water befouled by men and cattle, in which men and cattle bathe, and out of which they drink together. It is all very well to call the Indian villager ignorant superstitious and conservative. It is not for the reformer to twitch his nostrils and turn away. Such as it is, that is the world he has to work in work for and better, as far as possible. And if he only brings sympathy and understanding to his labour of love, he will find it, with all its faults, very human and plastic. Real progress dates only from the extension of local self-government by Lord Ripon; but it is substantial as yet only in municipal areas, though as their population goes on increasing, the old solutions and arrangements cease to answer, or the welcome reform of one generation comes to be regarded as a legacy of evil by the next. Municipal and district board activities and institutions for health and sanitation, we shall, however, have occasion to deal with in the following chapter. Sanitary Engineers have been appointed from 1888, and sanitary works in

town and rural areas, sanctioned by the Sanitary Board and wholly or partially financed by government, are carried out and maintained under their supervision. Thoroughgoing changes in the organisation were introduced under the recommendations of the Indian Plague Commission of 1898. The Indian Pasteur Institute at Kasauli started work from 1900, and similar institutions have been opened in other parts of the country. The Plague Research Commission, 1905–07, proved that the infection did not travel directly from man to man, and that the problem of fighting and eradicating plague was the problem of fighting and eradicating the rat-flea; and important changes in the methods of dealing with the epidemic and the areas where it prevailed followed, many useless troublesome and unpopular measures being discarded. The Imperial Malaria Conference, 1909, has led to the formation of Central and Provincial Committees and the establishment of a Central Malaria Bureau at Kasauli for research and the training of officers. And this has been followed up by the appointment in the provinces of touring malaria experts with adequate staffs and equipment to investigate the conditions in specially affected areas, and advise as to the proper remedies. Thus, Dr. Bentley's report about Bombay City in 1911, for instance, has led to the filling up of wells and tanks, the laborious structures of an age when the water-works had not yet come into existence. A scientific study of tropical diseases began in India with the Parel Central Research Institute (1901), which was moved to Kasauli in 1904. The Bombay institution confined itself thereafter to the preparation of anti-plague vaccine. These and similar activities have been financed by Imperial grants from 1908-09 onwards, amounting to over a million pounds in the first five years,[5] a portion non-recurring for capital expenditure or exceptional use, but

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5 By the end of 1918-19 the Imperial grants to Medical and Sanitation amounted to Rs. thirty crores.

the balance promised to continue for several years. And from 1910 when Sir Sankaran Nair became the member of the Imperial Executive Council for sanitation as well as education, an active policy has been inaugurated for the sanitary and hygienic improvement of towns and villages. Every town with a population of 100,000 or more is to have a whole time Health Officer, every municipality is to have a Sanitary Inspector, post-graduate studies in the necessary subjects are to be encouraged, there will be travelling inspectors for rural areas, and the entire service is to be open to Indians with the necessary qualifications. The expenditure from government funds, central provincial and local, was Rs. seventy lakhs in 1882–3, eighty-eight lakhs in 1891-2, over a crore in 1901–2 ; for the triennium ending with 1913-4, it averaged Rs. one crore and forty lakhs. The single head has since been split up into two–(a) Medical, (b) Sanitation ; the gross expenditure on (a) from 1914–15 to 1918–19 has averaged £ nine and a half lakhs, and that on (b), £ six lakhs nearly ; thus giving a total for both of Rs. two crores and thirty-two lakhs. From one crore in 1901–2 to two crores and a third in less than twenty years is by no means a rate of progress to satisfy those who at all realise the life and death importance of medical aid and sanitary improvements in our vast rural land, teeming with a population weakened by disease and poverty, and disheartened by ignorance and oppression.

(9) *Political.* Under this head is entered the expenditure of the political and foreign department of the Government of India upon Residents, Agents, and their establishments in Native States, political subsidies, such as was paid to Amir Abdur Rahman Khan of Afghanistan, the maintenance of refugees, State pensioners, and State prisoners[6], and similar objects. Occasionally a Boundary Commission, a special Mission, or a Negotiation swells the

6 And, after anarchism appeared in India, political detinues.

total. The amount exceeded £ one million for the first time in 1906–7, was in the neighbourhood of that figure from 1911–12 to 1916–17, but was over £ two millions for the next two years, owing to India's contribution to the expenditure upon the South Persia Rifles and similar items due to the Great War. On the other hand, the income from the tributes and contributions received from Native States has generally amounted to £ six lakhs a year, and this sum might be fairly treated as a partial set-off.

(10) *Scientific and Minor Departments.* This head covers the Department of Agriculture, the Civil Veterinary Department; various Survey departments-geological, magnetic, meteorological, linguistic, archaeological, ethnographical; several central institutions-the Central Museum, the Central Research and X-ray Institutes, the Imperial Library, the Bureau of Commercial Intelligence; and other miscellaneous activities such as the census, the supervision of emigration, the inspection of mines, explosives, and factories, etc. The expenditure as late as 1891-2 was less than Rs. six lakhs a year. But the Agriculture Department started in 1881 got an impetus during Lord Curzon's *regime*, agricultural colleges and researches have grown apace with excellent results, improved seed, improved methods and scientific processes of protecting the crop from pests etc. have been produced and are being popularised by demonstrations and propaganda, the various highly intricate problems connected with Indian agriculture are being envisaged more concretely, continuously and earnestly by a larger number of minds better equipped than ever before in Indian history, and as we have seen in an earlier chapter, the department is already urging government and people to advance scientifically towards the rapid attainment of results of incalculable beneficence. Some of the other departments and activities enumerated above are of still later origin, and while several of them are necessarily on a limited scale, some are developing at

a vigorous rate. The total gross expenditure has naturally grown fast; it was nearly £ 5 lakhs by 1901-2, nearly £ one million by 1911-2, and with the single exception of the year 1915-16, has continued growing year by year; it was a little over £ one million and a half in 1918-9, and the Agriculture Department has nearly always had more than half the outlay.

Europeans often express dissatisfaction at what they consider the very inadequate appreciation for services like the above, by educated Indians. But there is more in the matter than meets the superficial eye. In the first place Government reports are not easily accessible and official accounts are as a rule unreadable. Secondly, Indian education has been far too literary and abstract in character. Thirdly, a good many years necessarily pass in what might be called prospecting and pioneering work; while on the one hand, a conscientious government does not increase expenditure and establishments except in directions offering reasonable prospects of substantial results, on the other hand, meagre allotments and small establishments can rarely produce results, and, to the lay mind not accustomed to look before and after with the hopeful vision and enthusiasm of the expert, are likely to appear a mere waste. Besides, until they do achieve results, a consummation that might not be attained for decades, these experts and their official mouthpieces rail at the backwardness of the country, the ignorance superstition and conservatism of the people, and the depressing apathy of the surroundings, in every variety of tone and gesture. Under these circumstances, it is hardly a matter for surprise that educated India should emphasize a single aspect common to all such activities and departments, as to which it finds the government attitude indifferent to the point of criminality. Educated India is not at all against the importation of real and indispensable experts or of keeping them as long

as they are really indispensable. But the foreign expert gives less than twenty years of active service and that too in broken periods. He takes away all his experience, training, faculty, and reputation with him to benefit other lands, while he is still in the prime of life. There is also the possibility of his not giving the benefit of all the secrets and processes he has discovered or perfected while here, to the land to which he feels little attachment in spite of all it does for him, since it is not in human nature to feel much attachment for a land where he and his children cannot settle down. Under such conditions, the average individual responds only to the cash nexus and behaves accordingly. Hence it is that from the days of V. N. Mandlik and M. G. Ranade, Indian patriots have felt that Indian resources had much rather not be developed at all than developed only at the hand of foreign experts, to give rise only to an increasing exploitation of the country by the foreigner. Any strengthening of the jute industry or the tea plantations, for instance, while they continue, as from the beginning to the present day, monopolies in the hands of foreigners who, moreover, resist Indian aspirations with all their might, and have proved themselves incapable of any real sympathy for Indian labourers and subordinates, Indian opinion does not look upon as pure gain. There can be no real industrial development or economic advance until the new industries or occupations are from the top to the bottom in Indian hands, so that the skill, processes and organisation involved are all likewise in competent Indian hands. Experts might be brought now and then, here and there, and assigned certain tasks, as in Japan or any other country; but they should be servants employed only for a period, during which the training up of the Indian or Indians associated with them should be an integral part of their duties. There is no industrial advance worthy of the name, which is not a complete transplantation and success-

ful culture of foreign skill into our own country.[7] A mere increase in the mileage of railways or in the bulk and the value of the production is one thing, a real progressive advance is quite another. Hence it is, and not at all because of such unworthy feelings as jealousy or colour-prejudice, that exponents of the Indian view have become more and more insistent on the subject of the race and domicile of the agency employed. In the dissenting Minute already referred to in an earlier section, Sir Abdur Rahim wrote:

"The proper standpoint, which alone in my opinion furnishes a satisfactory basis to work upon, is that the importation of officials from Europe should be limited to cases of clear necessity (para. 50). In the second group (of the services) should be placed appointments in which the administrative aspect of the work (to be done) is more or less subsidiary, and for which differentiated and specialised qualifications of a professional, scientific or technical character are required. As such qualifications are capable of being sufficiently definitely ascertained there is no good reason why in this class of appointments Indian candidates when properly qualified should not be appointed to the fullest extent available in India. I would place in this group all...judicial appointments, and appointments in the education, agriculture, civil veterinary, forest, geological survey, factory and boiler inspection, mines, mint and assay, pilots (Bengal), public works and railways. Indian finance, military finance, medical, telegraph (engineering), and the Survey of India departments" (para. 54).[8]

V (*b*) *Miscellaneous* covers the heads of territorial and political Pensions, civil, furlough, absentee, and superannuation Allowances, Exchange, Stationery and printing, special Commissions of Inquiry, etc. It is not necessary to give any details about these heads in an elementary book like this. But connected with the subject of Exchange and indeed with the whole topic of Expenditure is the much-debated matter of the HOME CHARGES. The expenditure of our government is necessarily incurred partly here, and

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7 Readers ignorant of economics might think that the above proposition goes too far. They will find ample justification for it in List, *National System of Economics* and similar works.

8 Islington Comm. Rep. I pp. 411,413.

partly in England. This must continue to be the case, to some extent at least, as long as India is within the British Empire. We have borrowed a large portion of our public debt from England; and the interest has of course to be paid every year. This must continue to be the case as long as England is for us, as it has been all along, the cheapest market to borrow from. A conflict of interest between England and India arises with regard to the remaining items. The larger the number of foreigners employed in India in civil or military capacities, permanently or for short periods, the larger the charge for pensions, leave and furlough allowances, etc.; items which are really a part of the pay due to them under their contracts with us. From Dadabhai Naoroji onwards, the Indian contention has been that it should be a cardinal principle of the policy of the government, to employ the fewest possible foreigners, and keep these charges as low as possible. The reply to this has been that this was not merely a question of the money cost ; the British were bound to give to India a Western, modern, progressive, efficient, British administration, this was the inner meaning of the phrase "the British Connection", which could only be maintained and developed thus, and the indirect benefits to India were far greater than the cost. And the rejoinder has been—it was perfectly true that this was not merely a question of the money-cost, for the losses to India, direct and indirect, are far greater than the cost. The money if spent upon Indians would circulate and fructify within the country. The experience and the reputation, if won by Indians, would remain available even after they retired from service, and would elevate India in the estimation of the world. And as G. K. Gokhle observed in 1905.:—[9]

"This question is to us something more than a mere question of careers. When all positions of power and of official trust and reponsibility are the virtual monopoly of a class, those who are outside that

9 Budget Speech, Impl. Leg. Council, 29th March.

class are constantly weighted down with a sense of their own inferior position, and the tallest of them have no option but to bend, in order that the exigencies of the situation may be satisfied. Such a state of things, as a temporary arrangement, may be accepted as inevitable. As a permanent arrangement it is impossible. This question is thus to us a question of national prestige and self-respect, and we feel that our future growth is bound up with a proper solution of it."

How far the new constitution put into force, 1920-21, and the new era commencing, will alter the case, and how fast, the future will show.

Again, in connection with our international trade the shipping, the banking, and the agency without which it could not go on, were for a long period exclusively British; and when other nations like Germany, Japan and America obtained a share, all these other foreigners together accounted for only a small though a slowly increasing share of it. Even in their case the payments were to a large extent made through England, and all these items have gone to swell the Home Charges as the volume of the international trade has increased. The government attitude on this section of this subject has throughout been—"What can we do? It is the course of the trade: it is the natural course of things." Or, "We are convinced free traders: it is really for the best; and to act otherwise is against our principles." Here, again, the Indian view has been that a national government would necessarily have behaved very differently; Indian shipping, banking, and agency business would have been helped by it to make a start and to grow up until each was strong enough to compete unaided, and thus there would have been not only a progressive reduction of this item in the Home Charges, but a real industrial and economic advance.

Another amount in the Home Charges is due to the purchase of military, railway, and government stores in England. Government is necessarily such a large buyer, that in the case of some articles it could easily have built

up its own factories and produced for itself what it needed.[10] In that case, the price paid would have remained in India, Indian labour would have been benefited from the first, and the indirect gain would have been all the greater if the factories as they developed had been Indianised, and thus had raised up one industry after another in the country. Instead, our government simply bought all it needed from England for a long period. As a rule, much more of Indian money was annually spent in England than the English capital annually borrowed on Indian account. The production of some of the military requirements in India itself in government factories, and the purchase locally of a few other articles, have been changes in the practice, introduced from the eighties of the last century. How far we shall go in this direction and how fast in the era now dawning, the future will show.[11]

Lastly, Exchange; from about 1870 to 1898 our treasury lost a great deal on the exchange of rupees into sovereigns, for any coin outside the boundaries of the state who has adopted it as legal tender, is worth only the precious metal contained in it, payments in any country have to be made in the legal tender of that country, the legal tender of England is the sovereign which is a gold coin, while the rupee is a silver coin, and as the gold-value of silver fluctuated largely with a downward tendency and actually fell considerably[12] during the period indicated,

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10 The Mogul Government was a large producer. See J. Sarkar *M. Administration*, pp. 13–15.

11 See, for Home Charges, Morison: *Economic Transition in India*, chs 8 and 9.

12 Rates of exchange—Re 1=1s 11·126d in 1871, 1s 7·961d in 1878, 1s 4·898d in 1887, 1s 1.1d in 1894, 1s 3·978d in 1898; thereafter 1s 4d. At 1s 6·5d, 1s 5·1d, 1s 4d, and 1s 3d, £ 1=Rs 13, 14, 15, and 16 respectively. The cost to India of Home Charges totalling £ 20 millions, for instance, would be Rs. 20 millions more at each of the latter, than at the immediately preceding, rates.

more and more rupees had to be paid out of our treasury to make up the same number of sovereigns for our payments in England. In 1893, the government, after prolonged consideration and with much hesitation, fixed the rupee at one-fifteenth of a £ (1s. 4d.), and ceased to coin fresh rupees for a time. By 1898 the rupee rose to this gold value and it remained at that level to the beginning of the Great War. During this later period, therefore, there was no loss to the treasury from exchange and, on the other hand, there was a considerable gain through the coining of fresh rupees in enormous quantities from silver purchased at market-rates.

§ *51* *Income.* A State derives an income from its properties and from trade and other activities, just like a private individual. It also takes by law,[1] at stated intervals, a definite part out of the property or the annual income of various classes of its citizens: this is its income from *taxation,* which it derives by virtue of its right and power as a sovereign to coerce its subjects; and in modern states the income so derived forms by far the greater portion of the whole. We therefore begin with a brief account and discussion of the principal heads of the TAXATION INCOME of our government from 1858 upto date.

The most important of these is:—I LAND REVENUE This is a tax on agricultural incomes; levied in India from times immemorial, being the most natural of taxes in a country predominantly agricultural. The Permanent Settlement with the zamindars was a tax on their rents or agricultural incomes, which, in 1793 when first fixed was, we have seen, as high as ten-elevenths of these incomes, but has fallen in process of time to one-fourth or less. The land-revenue realised from U. P., C. P., and the Punjab is also a tax on rents the proceeds of which have increased with the progressive growth of rental incomes

1 By explicit law in modern constitutional states; by custom or by executive order in others.

in those provinces, as the settlements there were subject to enhancement at each revision; but a rogressively larger fraction of the income has remained with the land-owning shareholders, a decreasing fraction has been taken into the treasury; the fall has been from over eighty to under fifty *per cent.* The land revenue in the ryotwari provinces is a tax upon agricultural incomes collected from the cultivators themselves. The fact that in these parts of British India there are few non-cultivating land-owners leasing out their fields to tenants for rents, cannot alter the character of the land revenue they pay, from the point of view of public finance. It might be conceded that pure economic rent does not raise the price of agricultural produce; and that therefore land-revenue not exceeding such rent in amount yields an income to the state without pressing either on the ryot himself (when he does succeed in winning from the land a profit over and above wages and costs), or on any one else. This argument, however, means that in a poor agricultural society mainly composed of peasant proprietors, land-revenue is almost an ideal tax, or that it is almost the only tax possible; not that it is not a tax at all. Finally, a school of economists or socialists preferring a society without landlords, whom they look upon as the worst possible kind of monopolists, have urged a social policy of eliminating them by the fiscal expedient of taxing the entire rent or surplus profit or unearned increment from the land. Such a policy may be desirable in some countries at some periods of their history; let us even grant, for the moment, that it may be universally desirable. The expedient proposed may also, for the sake of argument, be granted to be both legitimate and effective. Considerations like these, however, have nothing whatever to do with the fiscal character of land-revenue. In the science of public finance, whatever the state takes as a state, by virtue of its authority over its subjects, that, but for the action of the state, would have remained with the subjects, is a tax and

can be nothing else.[2] The gross income to the State under this head apart from the income credited to Irrigation, has grown slowly from a little over £ 13·25 millions in the quinquennium 1861-5, to nearly £ 14·75 millions in 1881-5, a little over £ 18·75 millions in 1901-5, and a little over £ 21.25 millions in 1911-15. We have seen that under the expenditure head of General Administration is entered the expenditure upon civil officers from the Secretary of State for India down to Commissioners of Divisions. The expenditure upon officers of lower grades employed upon District Administration, Survey and Settlement, Land Records, and all other work directly connected with the collection of land-revenue, from the Collector and District Magistrate down to the lowest employee, is entered against this revenue head; in the quinquennium 1911-15 this amounted to almost £ 3·9 millions per year. This amount will show some increase in the current quinquennium because of the increase in salary recently granted to the upper ranks, European and Indian. Substantial increases in the salary of the lower ranks are even more necessary; in fact they have been long over-due: a rupee in the hands of the *talati* (तळाटी) or *kulkarni* (कुळकर्णी) has no more purchasing power than the same coin has in the hands of the mamlatdar or the Assistant Collector.

II TAXES ON NON-AGRICULTURAL INCOMES. Cesses on agricultural incomes over and above the land-revenue will be more appropriately dealt with, very briefly, in the next chapter. We pass on to the Income Tax properly so called, and other taxes similar to it.

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2 See *Baden-Powell*, p. 49: "land-revenue *operates* as a tax, the discussion a profitless war of words." *Strachey* ch 9 presents the official view that land revenue is "not taxation properly so called," supported by wobbling quotations from Mill and Fawcett. *Alston* ch 2 § 19 indicates very briefly the historical genesis of the view of European socialists.

There was a deficit of £ 30 millions for the years 1857–9, an anticipated deficit of over £ 6 millions for 1860–1, while the annual revenues did not amount to £ 37 millions, and the public debt had also risen because of the Mutiny. A trained financier and economist with a reputation to lose was for the first time appointed to the governor-general's council as member for finance, he and Lord Canning cut down expenditure as far as possible in all departments, and a proper system of keeping accounts and auditing them was created. His principal changes in taxation were two: a reform of the customs duties, which is dealt with in a later section of this chapter, and the introduction of an Income Tax for five years. This was fixed originally at four per cent on incomes above £ 20. But the minimum was raised to £ 50 in 1862 and the rate was reduced to three per cent from 1863. Abolished in 1866, it was revived from 1869 to 1872. The taxable minimum income was raised to 75*l* in 1871 and 100*l* in 1872; the rate was $2\frac{1}{2}$ % in 1869, $3\frac{1}{8}$ % (6 pies in the rupee) in 1870, and 2 pies in the rupee in the last two years. Sir Richard Temple[3] calculated that from 1860 to 1872 it had brought £ 14·5 millions to the treasury. In 1867 and 1868 a substitute for the income tax was attempted in the form of a license or certificate tax on trades, handicrafts and professions; and after the famine of 1877, a license tax was re-imposed with considerable latitude to the provinces to fix their own gradations and rates. These efforts to adapt the income tax to Indian conditions were, however, failures, and a regular income tax of the modern type was imposed by Act II of 1886. The principal reason for the step was the large permanent increase in our military burdens. The governor general also adverted to the inequitable character of the existing fiscal system, since well-to-do classes like the commercial and legal professions and the higher government officials from himself downwards

3 *Men and Events.* See ch. 9, 10, and 15 for a bright account of the finances of British India upto 1873–4.

were contributing little, if anything at all, to the treasury[4]. Under the Act, all agricultural incomes, military officers drawing less than Rs. 6000 per year, and civil incomes below Rs. 500 were exempted. The last minimum was raised to Rs. 1000 in 1903, and Rs. 2000 in 1919. The rate was, roughly, four pies in the rupee upto incomes of Rs. 2000, and five pies for higher ones. The amending Act (V) of 1916 introduced graduation by fixing the rates at five pies in the rupee for incomes from Rs. 2000 to Rs. 5000, six pies for higher incomes upto Rs. 10,000, nine pies upto Rs. 25,000, and one anna in the rupee for incomes of Rs. 25,000 and higher. Companies' profits were to pay the highest rate. The super-tax Act (VIII) of 1917 related to incomes above Rs. 50,000 per year and imposed an additional tax on the excess, at rates advancing from one anna in the rupee to three annas, by half an anna for every fifty thousand rupees. And by the amending Act (XIII) of 1920, the super-tax on Companies' profits exceeding Rs. 50,000 was limited to one anna in the rupee, and in the case of undivided Hindu families, was to be charged on incomes in excess of Rs. 75,000. The yield has risen from Rs. one crore and one-third in 1886-7 to Rs. one crore and two-thirds in 1892-3, Rs. two crores in 1900-01, and Rs. two crores and a third in 1908-09. For the first seventeen years from 1886 the increase was less than Rs. five lakhs annually; from 1903 to 1913-14 it was Rs. eleven lakhs annually[5]. But it is an ill wind indeed that blows no good at all to any one. The Great War brought exceptional profits to various trades and occupations and the Income Tax receipts rose from Rs. 314 lakhs in 1915-16 to Rs. 566 lakhs in 1916-17, Rs. 725 lakhs in 1917-18 and Rs. 845 lakhs in 1918-19 : and the Super Tax besides yielded Rs. 222 and 319 lakhs respectively in the last two years.

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4 Proceedings of the G. G's legislative council, 1886-7, p. 19. V. N. Mandlik was a member and suggested a revival of the import duties on cotton goods instead.

5 S. M. Pagar, *Indian Income Tax*, p. 185.

§ 52 *Commodity Taxes.* There are Municipal taxes on houses and lands, animals and vehicles, which are taxes on property; and on trades and professions, which are taxes on income. These will come up for consideration in the next chapter. We pass on to taxes on commodities. These might be levied from the retail vendor, or at the boundaries as the commodity leaves our country or enters it. Excise is the general name for the first, Customs for the second. Under both heads there are some commodities which are taxed because it is desirable that people should be prevented from consuming them in large quantities, and an easy method of doing so is to raise their local price artificially by taxing them. Intoxicants like alcohol, opium and hemp, for instance, are very injurious to body, mind and character and destructive of domestic and social happiness. At the same time, their use as medicines in infinitesimal quantities in suitable forms and under medical advice is unavoidable in the treatment of diseases and general debility and in the alleviation of unbearable excitement, fatigue, or pain. And human nature is so weak that man gets habituated to the use of such dangerous drugs very quickly, and then wants to go on increasing their consumption by more frequent and larger doses, regardless of consequences. Hence it is a recognised portion of the general moral and regulative functions of Government to control the production and trade of such articles, and since that involves expenditure, to recover it by taxing these articles themselves. So far there is hardly room for any difference of opinion on the subject. But modern European States have obtained by their taxation of these commodities a large net income besides. The burden of the state, it has been argued, has got to be distributed as equitably as possible over all classes of subjects including the poorest, taxation on commodities or indirect taxation is felt less than taxation of incomes and properties or direct taxation, where the masses consume such commodities in large quanti-

ties, such taxation both operates as a check on consumption and yields a large revenue, the state by employing this single expedient thus secures two objects both excellent, and if such taxation is to be given up and the state expenditure to remain on the same level, the only alternative would be to tax incomes or properties or necessaries or harmless luxuries at higher rates. The opposite view, on the other hand, has been that if the state be really in earnest about its moral and regulative functions, the only right policy for it is to try to wean away its subjects from such vicious habits completely and at the earliest possible moment; and that even fiscally, a population freed from such debasing indulgences would produce far more wealth and could spare far more out of it for collective purposes than while addicted to them. It is not at all surprising that the Government in British India should so far have been guided by the sentiment of the English people and the practice of the English State in this matter; but as it becomes more and more Indian in character it will naturally respond more and more to Hindu and Muhammadan sentiment.

III EXCISE. Under this head is included the revenue derived from license and distillery fees and duties on sales, rents from contractors, owners of toddy palms, &c., acreage rates in the Punjab from the cultivators of poppy, and fines, confiscations and other miscellaneous items. The principle of "a reasonable amount of deference to local public sentiment" has been attended to from 1874 "but the application was left to the discretion of the local authorities" [6] for many years. After the report of the Indian Excise Committee, 1905-06, the legislation and administrative practices on the subject

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6 *Moral and Mat. Rep.*, 1891-2, p. 250. For an earlier statement of the government attitude and policy see the quotation in *Strachey* at pp. 184-5. From 1884 to 1904 the consumption of country liquor declined from 4·95 London proof gallons per 100 of the population to 4·06p while the taxation rose from Rs. 2-10-7 per gallon to Rs. 4-7 8.

were over-hauled, and the attitude and policy of our Government since then with regard to the consumption of alcoholic drinks appear from the following paragraph :—

"The Government of India have no desire to interfere with the habits of those who use alcohol in moderation; this is regarded by them as outside the duty of the Government, and it is necessary in their opinion to make due provision for the needs of such persons. Their settled policy, however, is to minimise temptation to those who do not drink, and to discourage excess among those who do; and to the furtherance of this policy all considerations of revenue must be absolutely subordinated. The most effective method...is to make the tax as high as it is possible to raise it without stimulating illicit production...,and without driving people to substitute deleterious drugs for alcohol or a more for a less harmful form of liquor."7

Local Committees were also formed to advise as to the withdrawal of licenses and the number and location of retail shops. By 1911 there were 200 of them, many with non-official majorities. The gross revenue has risen from £ 1·95 millions in 1862 to £ 3·61 millions in 1882 £ 4·06 millions in 1901, and £ 7·61 in 1911; the cost of collection from £ 166,000 in 1901-2 to £ 419,000 in 1911. The average annual revenue and cost were £ 8·45 millions and £ 443 thousands respectively for the five years 1911-1915.

IV Customs. The history of our income from import duties falls naturally into two sections. The articles on which excise duties were levied, must when coming in from other countries be obviously subjected to a corresponding duty at the point of entry; and as the excise duties were raised from time to time, proportionate changes must also be made in these import duties. There were again certain commodities, such as arms and war supplies, which for political reasons had prohibitive import duties placed upon them throughout our period. Lastly, the nineteenth century witnessed a rapid growth of industries all over the European world; a growth

7 *Moral and Mat. Rep.* 1911-12, p. 202.

accompanied by a protective policy in all the leading countries except England. This enabled the manufacturers of particular articles or group of articles to secure large profits in their own countries, and they combined into gigantic trusts and cartels, obtained bounties from their own governments, continuously developed their scale of production, and dumped huge quantities of their make on foreign markets at prices which under-cut the home-made article in countries backward in those particular industries. In the face of such an unfair competition, import duties sufficient to raise the price of such articles in our markets to our usual level is the only remedy. The import duties on bounty-fed beet sugar imposed in 1899 and maintained for some years were of this character. The history of the remaining import duties falls into two periods, 1859 to 1882 and 1894 to the end of the Great War. The intervening twelve years was a period of free imports, during which only one new duty was imposed, that on petroleum, from 1888. [8]

To defray the cost of the Mutiny a uniform tariff of ten *per cent ad valorem* was introduced in 1859; very few articles were to be admitted free and on the other hand some were taxed as high as 20 °/ₒ. This had to be modified, however, the very next year. Our first Member for Finance, James Wilson, was a free trader, and in his first and only budget, he increased the free list and reduced the rate in several cases from 20 % to 10. His successor, Samuel Laing, lowered the general rate itself to 7½ % (1864). Three years later the principle was introduced of levying duties only upon specified articles, and their number was considerably reduced. And in 1875 the general rate was further lowered to five *per cent*. The income from the duties on cotton goods in 1876-77 was £ 811,000, about two-thirds of the total income from imports of the class under consideration. Famine and

8 The Burma mineral oil industries began about this date.

the Afghan War followed, a Famine Insurance Fund with fresh taxation was projected, and India was in no position to sacrifice this annual income of a million pounds and a quarter. But, as we saw in Chapter IV, the Lancashire Cotton Industry raised its influential voice in parliament against it, and between 1878 and 1882, we gave it up altogether, since it was not worth while to keep up the establishment for collection merely for the sake of a third of the whole. The cotton imports rose from £ 35 millions a year upto 1878 to £ 47 millions a year for the four years 1878 to 1881 and to £ 51 millions a year for the next three years, and the quantities imported were larger than these figures showed, as it was a period of falling prices.[9]

The great and continuous fall in the gold value of silver and the growing loss on exchange to the Indian treasury upon its increasing payments in England, obliged government to examine all possible ways of increasing income and reducing expenditure. A reimposition of import duties appeared to be the least objectionable course.[10] Faced with a large deficit in 1894-5, the Government revived the general import duties of 1875, with a few alterations; iron and steel goods were to pay only 1 %, petroleum was to pay two annas per gallon, and railway materials, printing materials (with the exception of paper), books, industrial and agricultural machinery, raw materials, gold and some other articles were to be admitted free. Cotton goods had to be excluded from the Act. But it appeared by the end of the year that these duties did not bring in sufficient revenue, that a deficit of over a crore would remain unless cotton imports were also taxed, and Lord Rosebery's ministry then in office with Henry Fowler (afterwards Lord Wolverhampton) as Secretary of State for India, consented to a 5 % duty on cotton goods also, but with a countervailing excise equal in amount upon

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9 *Strachey*, pp. 191-8.

10 Report, Herschell Committee, 1893, paras 35-46.

such manufactures of the Indian cotton mills as might compete with the imports (December 1894). The arrangement did not satisfy Lancashire, who knew their power and were determined to have their own way. Lord Salisbury became premier with Lord George Hamilton as Secretary of State for India in the middle of 1895, and the latter wrote to the Governor General in Council that "the duties should be placed on such a footing as will not infringe pledges that have been given or afford ground for continued complaint and attack.[11] An amending Act was passed in February 1896, under which cotton yarns and twists entered free, and all cloth paid an import duty or a countervailing excise of 3½%, according as it came from abroad or was manufactured at power mills in India.[12] And this iniquity was enforced in the sacred name of Free Trade and with professions of sympathy for the poor Indian ryot! Is it any wonder that other nations feel constrained, now and then, to question John Bull's sincerity?

No redress was possible for twenty years. Soon after the commencement of the Great War the Indian Legislative Council passed unanimously Sir G. Chitnavis's resolution that India was eager to demonstrate her unity with the Empire and wished to share in the heavy financial burden of the war upon England (8th September 1914). And early in the following year it adopted with equal enthusiasm another resolution to support England regardless of the sacrifices it might entail (24th February 1915). The first two years of the war were, however, years of deficits, and the financial commercial industrial and trans-

5th September: Dutt, *Victorian Age*, p. 540. Summary of the debate in the Indian legislative council, 3rd February, pp. 541–4.

12 Income from these cotton dunies, import and excise:—1897-Rs. 78 lakhs and 11 lakhs; 1902-05, 111 lakhs and 22 lakhs per year; 1912-15, 174 lakhs and 52 lakhs per year: note that while the import duty proceeds grew from 10 to 22 the excise proceeds grew in the ratio of 10 to 47: from being one-seventh of the income from cotton imports, the cotton excise income ca e to be $\left(3 \frac{1}{29}\right)$th

port dislocations due to a world-wide conflagration were on an unprecedented scale and naturally caused intense anxiety. By a piece of extraordinary good fortune, the war burst upon us at a time when the Indian helm, political and financial, was in the hands of men gifted with rare balance of mind, Lord Hardinge and Sir William Meyer. In the budget for 1916–17 the import duties were increased 16⅔ to 50%, the duty on sugar was doubled, and other measures were also adopted to increase the revenue; of these the income-tax and super-tax measures have been already dealt with; the cotton duties were left untouched. And as soon as equilibrium was thus restored, and even a surplus of £2¾ millions secured, the Government of India offered a free gift of £100 millions to England, adding that the balance of £3¼ millions necessary to make up an annual provision of £6 millions for the interest and sinking fund of the gift, would be raised by an increase of the import duties on cotton goods from 3½ to 7½%. The Secretary of State in Council approved the scheme, the cabinet gratefully accepted the offer, and the amending Act (VI of 1917) was passed on the 7th March. Lancashire tried her utmost to procure delay, or an equivalent increase of the excise duty, even suggesting a reduction in the amount of the gift in order that the cotton duties might not have to be enhanced. An influential deputation waited upon the Secretary of State on the 12th March; a less formal deputation had an interview with the premier the next day. And when Government proposed a resolution in parliament on the 14th, consenting to the Indian gift and the financial provisions accompanying it, Lancashire moved an amendment "regretting that the provisions should include an alteration in the established system of duties on cotton goods thereby throwing an unnecessary burden upon the people of India and causing a controversy between different parts of the Empire which it was most inexpedient to raise during the war." The Government of India had proposed the increase the

previous year also, along with the general enhancement of duties mentioned above, but Mr. Asquith was premier then, and his ministry had preferred not to raise so controversial an issue. The Lancashire members, therefore, urged him and his following to stand firm. Mr. Asquith, however, pointed out that India's proposal then was connected with ways and means for the purpose of balancing her own budget. When she was advised not to raise the question for such a purpose, she had accomplished her object otherwise; in doing so she had exhausted all possible expedients of increasing her income, and even created a surplus. Her proposal on the present occasion was quite a different proposition, it was for the laudable purpose of helping England to win the war, and must be judged on the merits. And he added that what she had done was entirely within her competence. The only way to alter it now was for parliament to ask her to repeal or re-amend her recent Act, a course so high-handed that it had never been adopted in the entire history of the connection between England and India. But he also suggested that Government should add to their resolution a declaration that the matter "should be considered afresh when the fiscal relationships of the various parts of the Empire to one another and to the rest of the world came to be reviewed at the close of the War," and this the premier accepted. Far more decisive than the arguments advanced in the debate was the consciousness present both in parliament and outside that to defeat the ministry on such an issue would mean their resignation and a general election, and that no alternative ministry was possible. This was the reason why all the sixty-two Irish nationalists present at the debate, whose one desire was to embarrass England as much as possible, voted for the amendment. But this was also the main reason why even of the forty-two Lancashire members present, seventeen supported the government, and that the amendment was thrown out by 265 votes to 125.

Export duties have so far had a very subordinate place in our tariff. At the general revision in 1875 rice indigo and lac were the only articles of importance upon which export duties were continued; and the two latter were dropped from 1880. An export duty on jute was imposed as a war measure in March 1916, and was doubled the next year. A nominal duty of half a pie per pound was levied on tea from 1903 and the proceeds were handed over to the industry to help them in their efforts to extend the market for their produce; this was raised to Rs. 1½ per 100 lbs. in 1916. And in September 1919 a duty of fifteen per cent was imposed upon the export of raw hides and skins with a rebate of two-thirds on their export to countries within the Empire. It remains to be seen how the principle of a preferential tariff thus accepted for the first time is going to fare in our customs history in the near future.

V, VI SALT AND OPIUM. One great benefit India has reaped from her unification has been the removal of innumerable transit and import duties at the boundaries of the hundreds of states into which she had been politically divided in the pre-British period. A heavy duty has been imposed instead upon salt and in order that this could be realised at a minimum of cost and trouble both to Government and people, its production and import have been rigidly controlled. The history of the tax begins with Lord Clive who started a state monopoly in the manufacture in order to increase the emoluments of the civil and military servants of the East India Company and thus compensate them for the gains from 'presents' and private trade which they had to forego under their covenants. The Court of Directors, however sanctioned the creation of the monopoly but annexed the entire income to the state treasury.[13] Under these circumstances the new department was naturally a failure and

13 *Mill*, bk 4 ch 7.

brought little profit until Warren Hastings reorganised it in 1780. The monopoly and control were introduced into Madras from 1806 and into Bombay from 1837. By 1862 the gross proceeds had risen to nearly seven crores and by 1872 to over nine crores. The burden on the people was at the rate of Rs. 3-4-0 in Bengal, Rs. 3-0-0 in North India, Rs. 1-14-0 in Bombay and Madras and about three annas a maund in British Burma upto 1877. In order to prevent the cheaper salt of the maritime provinces in the south and of Rajputana in the west and Kohat in the extreme northwest from being smuggled into North India, a barrier of mounds, ditches, and thorny bushes was created from 1842, about 2300 miles long, from Attak to the Mahanadi, protected by semi-military posts, which required 14000 men, at an annual cost o 162,000 l. But between 1869 and 1871 the Sambhar Lake and other Rajputana sources of salt were brought under control by treaties with the Chiefs, railway transport replaced transport by road, the Central India portion of the barrier was abolished in 1874, and the remainder, with the exception of a few miles round Koha in 1879. The reduction of the duty to Rs. 3 a maund in Bengal, to Rs. 2-12-0 in North India, and the increase of it to Rs. 2-8-0 in Madras and Bombay from 1878-9 was an essential part of the change. The increase in the southern maritime provinces was defended on the ground that while it affected only fiftyeight millions of people, the reduction in the North would benefit nearly fifteen crores In 1882 the duty was fixed uniformly at Rs. 2 a maund except in Burma and round Kohat but in 1888 fiscal needs necessitated an increase to Rs. 2-8-0, and it remained at this extremely high level for fifteen years. Imports from Cheshire and Aden, Egypt, Turkey and Germany increased; this superior salt only the rich could afford; the proceeds from the tax were Rs. six crores and a half annually for the four years upto 1887-8; they jumped up to Rs. seven crores and three-quarters in 1888-9, and

rose to Rs. nine crores and a quarter by 1902-03; but the poor man and his cattle did not get enough salt. The National Congress passed a resolution year after year praying for a reduction, Pherozshah Mehta in the enlarged Legislative Council urged economy in the barren heads of expenditure, and a simultaneous reduction of taxation and increase of provision for the beneficial heads of expenditure.[14] In the budget debate of 1902 G. K. Gokhale reviewed the financial history of the period and pointed out that taxation had been raised, not only to meet extraordinary charges for war and famine relief, but also to meet the losses due to the falling rupee and the reduced income from opium, and that in consequence as soon as the rupee became stabilised and the opium revenue recovered, from 1898, large and continuous surpluses were realised, which were "a double wrong to the community, a wrong in the first instance that they exist at all, and also a wrong because they lend themselves to easy misinterpretation," misplaced optimism, and administrative extravagance.[15] And Gokhale was not only unanswerable in his financial arguments, he had also the born statesman's genius for selecting the right moment at which to press them. January 1st, 1903, witnessed Edward VII's Coronation Durbar at Dehli, at which Lord Curzon announced that the budgets of the very next and following years would provide "measures of financial relief for the population."[16] The salt tax was reduced to Rs. 2 a maund in 1903, Rs. 1-8-0 a maund in 1905, and Rs. 1–0–0 a maund in 1907.[17] The annual income fell

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14 Budget Speech, 28-3-1895; the passage referred to will be also found at p 458 of *Speeches*, and p 340 of Mody's *Sir P. Mehta*, vol I. The last also quotes a passage from the reply of Sir A. Mackenzie, Lt. Gov., Bengal, which is a fair specimen of the intolerant narrowmindedness of the average civilian of the period.

15 Speech, 26-3-1902; see also budget speech 30-3-1904.

16 *Raleigh* II p 18.

17 'The reduction of the salt duty...is right, if there is to be any decency in taxation at all"—Morley to Minto, 15-2-1907: *Recollections* II p. 202.

from Rs. nine crores and eighty lakhs in 1902-03 to a little over Rs. five crores in 1908-09. The average for the five years ending with 1915-16 was Rs. five crores and thirty lakhs. And there was an enhancement of the duty in 1916-17 as a war measure to Rs. 1-4-0 per maund. Sir W. Meyer's reason for not raising it higher was that the increased tariff introduced at the same time would also "to some extent fall upon poor consumers."

The East India Company found the cultivation of opium a monopoly of the State in Bengal, and took its administration into their hands from 1781. They farmed the revenue from this source, but from 1799 Lord Cornwallis converted the business into a State Department under a commissioner. Behar and Benares were the principal districts; the acreage under the crop varied but was usually five to five lakhs and a half. Advances were given free of interest to the cultivators and the entire produce was taken over by the department and opium manufactured from it, partly for retail sale in India through licensees, but mainly for sale in bulk to exporters. There were also large tracts growing the plant in Malwa in Native State territories, and imports thence into British districts were strictly controlled and heavily taxed. This supply was also partly consumed in India itself and partly exported. The income to the State from the quantity consumed in India was an excise. The income from the export was a gain to the Indian treasury derived from the foreigners in China and elsewhere, who were the ultimate consumers. Opium chests, each containing 140 lbs of the drug were sold by monthly auction by the government, and as the prices and the number of chests sold per year fluctuated, the income also varied. It was about Rs. eight crores per year for many years after the Mutiny. From about 1881-2 began a period of serious fluctuations. The income was as high as s. ten crores in 1880-81 and only Rs. four crores and a quarter in 1902-03. From 1903 there was a revival.

But the puritan agitators, already referred to in Chapter IV, had great influence with the liberal party, at the general election of 1905 which resulted in the rout of the conservatives; the liberal leaders had given firm pledges on the subject, and although a motion in the House of Commons in May 1906 was talked out, [18] the request of the Chinese Government that the export from India be reduced by 5100 chests per year was accepted in 1907, for three years. China claimed that she was reducing poppy cultivation within her territories as fast as possible and urged that India should help her in her endeavours to reform her subjects by stopping the export altogether in ten years. Sir A. Hosie, consul general at Tientsin, deputed to report on the facts, found that poppy cultivation was actually decreasing there, and a final agreement was thus made with China in May 1910, under which our exports to that country were to cease entirely by 1917. [19] On the other hand, our exports to other countries—the Netherlands Indies, the Straits Settlements, Hong Kong, England, Siam, &c.—have increased, and this has to some extent reduced our losses. The average annual income for the period from 1903 to 1910 was Rs. $6\frac{1}{3}$ crores; for the triennium 1911–3 it was Rs. $5\frac{1}{5}$ crores; and for the next three years, a little under Rs. two crores.

§ *53 State Profit from Services* performed by it for which the subjects deriving personal benefits pay fees at the time of appropriating the benefit and in proportion to its amount, is the third and last source of a regular flow of wealth to the treasury in modern states. The Government of India performs several such services.

VII Railways and VIII Irrigation have been dealt with already. All that need be added about the latter is that the net income from major productive works has always been handsome, and that the income from the

18 Morley, *Recollections*, II p 172.
19 Montagu, budget speech, 25-7-1911.

irrigation works throughout British India, though falling, as protective works with their far larger capital cost and far lower income are increasing, has still been rarely below 8%.[1]

IX Forests, just like the above two, have a value to the community far in excess of the mere money profits realised. They moderate the climate, feed the rivers, raise the sub-soil water level, store up rain water and retard its flow off the land, afford grazing to countless herds, are the home of many species of beasts and birds, furnish various minor products and conveniences to villages in their neighbourhood, and are of increasing utility in many ways, besides yielding, with proper care, increasing supplies of the timber, fuel, pulp, manures, fodder, juices, gums, paints, varnishes, roots, medicines, and other marketable produce, from which is mainly derived the income that pays for their care and upkeep and leaves in addition a growing surplus. This has risen from Rs. fourteen lakhs in 1865 to Rs. eighty-six lakhs in 1901, and a crore and three quarters in 1918. It should go on rising at a much quicker rate in the future.

X Mint and Paper Currency. The trade and contract operations of a civilised population with industries and economic activities growing in volume and complexity need a large and an increasing quantity of money or currency in three forms: standard or full value metallic coins as legal tender units for ordinary payments, token coins in which there is much less metal than their face or legally fixed value for fractional payments, and paper substitutes to save the trouble and time of counting in large payments or the trouble and expense of transporting coins for payments to be made at a distance. As credit and mutual confidence extend, business morality

1 Irrigation Report for 1919-20:—total capital outlay, including outlay on works under construction-Rs. 763 lakhs and a half; total net income-Rs. 61 lakhs.

develops a set of conventions, adherence to which becomes a point of honour, and other currency substitutes and conveniences emerge like bank-notes, cheques, *hundis* (हुंडी), and bills. These multiply fast, they soon outgrow the total legal currency available many times over, elbow the legal currency almost out of sight, and appear to operate nearly all the exchanges of the community almost by themselves. The business community, too, strengthen this appearance and spread this delusion, since it is to their own profit to transact the maximum of business with a minimum of legal currency. It is, nevertheless, nothing but a delusion. This conventional currency is only a fair weather medium of exchange. The moment it encounters a breath of suspicion, it flies back in a flash to the person who originally uttered it, and bursts like a bubble unless he can prove his ability to replace it in full by legal currency. Conventional currency, therefore, is a mere shadow; however vast, however serviceable, it has no potency of its own; legal currency is the substance, which it is the duty as well as the exclusive privilege of the state to supply and maintain in *cent per cent* purity. Gold or silver, chemically pure, is not hard enough to stand rough usage. Even our best ornaments, for instance, are all the better for two to three *per cent* of alloy, and coins which have to stand far greater wear and tear and worse handling than any ornaments must contain a little more of alloy. The Indian rupee is eleven-twelfths fine, that is, contains 15 grains of alloy and 165 of fine silver in its total weight of 180 grains. The silver half-rupee, quarter-rupee, and two anna piece are also standard coins. Only the other coins in circulation are tokens. To keep the currency at the legally fixed standard of weight and purity, worn out coins have to be withdrawn from circulation from time to time. There is therefore the recurring expense on the one hand of this withdrawal of light and defaced coins and their replacement, and on the other hand the profit from new coinage which is

proportionally greater in respect of tokens than of standard coins. The prices of metals fluctuate just like those of other commodities, and the mint might also make a small profit by purchasing the bullion it needs at low prices. Lastly, a mint is called free, when private individuals can take their bullion to it and get it coined, the mint only making a small charge for refining the metal brought to it. The total net income from all these sources must, however, be kept as low as possible. Currency is a necessary of life in civilised countries, it must be made uniformly available to the people as nearly as possible at cost price, and the justification for making this service a monopoly of the state resides in the fact that in private hands the temptation to debasement would be irresistible, while even a slight, almost imperceptible debasement might mean not only a large profit to the coiner, that is, a large indirect tax on the community, but it would inevitably lead to loss of confidence in the purity of the whole currency in circulation, the coins which were better than others or supposed to be better would be hoarded, and a loss would be inflicted on the people far in excess of the actual amount of the debasement.

Our mints were free upto the 26th June 1893, on which date they were closed to the public by Act VIII of 1893. All subsequent coinage has been solely on government account, and this has brought a large profit, the whole of which has been kept distinct from current treasury funds as a reserve, called the Gold Reserve upto 1906 and the Gold Standard Reserve thereafter. Suppose Rs. 120 crores coined during the twenty-one years from the closing of the mint to the beginning of the Great War at an average profit of Rs. 0–4–3 per rupee,[2] the reserve would

2 "The rupee contains 3/8 oz of silver....When silver is at 32d an oz. the cost of a rupee to the Government is about 12·241d" (Keynes, *Ind Currency and Finance*, p. 37n). This means a profit of 3.76d on every rupee coined, with silver at 32d an oz. But from 1893 until it began to rise again as a consequence of the Great War, silver was never as high as 32d, and was in the neighbourhood of 24d for several years. The coinage profits of our government have thus been much larger than 3·76d per rupee. While silver was at 24d, the coinage profit was 6·82d per Re.

amount to £ 25 millions; as a matter of fact, it was £ 25·72 millions, on the 31st March 1915.

Of course the closing of the mint, the divorce of the value of the rupee from that of its bullion contents and fixing it by fiat at one-fifteenth of a sovereign, meant the substitution of a gold exchange standard for a natural standard, or, in other words, the conversion of the rupee into a token coin. The original intention was to develop out of this temporary expedient resorted to very reluctantly, a natural gold standard as soon as possible, but that intention was shelved and the state glided into an acceptance of the temporary expedient as itself, the goal. This has had far-reaching consequences of an incalculable magnitude, but of a character so complex, that it is impossible to deal with them in an elementary book like this.

Currency notes issued through a Government department and payable to bearer on demand in legal tender coins, were first introduced into British India by Act XIX of 1861. India was at that time a vast country, almost a sub-continent, and was for this purpose sub-divided into several circles, Calcutta (Cawnpore, Allahabad and Rangoon), Bombay (and Karachi), Madras, and Lahore; the notes of each circle were to circulate within it, Government were not bound to pay cash for the note of any circle beyond its boundaries, although in practice they rarely objected to do so; and they could be issued against the Government rupee securities upto a maximum of Rs. 600 lakhs, but for every additional note issued, the necessary amount was to be held in rupees in a reserve called the Paper Currency Reserve. Amending Acts and Notifications raised the amount which could be issued against securities to Rs. 700 lakhs in 1890, Rs. 800 lakhs in 1891, Rs. 1000 lakhs in 1896, Rs. 1200 lakhs in 1905, and Rs. 1400 lakhs in 1911. As communications improved, trade expanded and India became economically unified, the system of circles was found to be a hindrance and was

given up. Five rupee notes were universalised or made payable anywhere in India in 1903, ten and fifty rupee notes in 1910, and the hundred rupee note also in the following year. The character of the cash reserve has also been altered so that it could consist partly of rupees, partly of gold coins and partly of gold and silver bullion. During the war notes of smaller value were also introduced, of which the one rupee note has become fairly popular. The amount of the notes issued against securities had also to be raised to Rs. 20 crores in 1916, nearly fifty crores in 1917, over sixty crores in 1918, and over 99 crores and a half in 1919, and an increasing proportion of the securities were English. The interest earned by these securities, is the income realised by the state for the performance of this service. And in so far as the notes circulate freely and no difficulty is felt by the holder in obtaining cash for them whenever he chooses to ask for it, the note issue may be claimed to be performing its function efficiently.

XI Posts and Telegraphs perform services that come home to the meanest individual in the population. A low and uniform rate, within the means of the poorest, for every letter or telegram conveyed irrespective of the distance involved, is only possible to a centralised department covering the whole country with its agents. And, as every one knows, the department also carries parcels, transmits money, encourages thrift amongst the masses by its savings banks, pays pensions, issues life insurance or endowment policies to Government servants, sells quinine in pice packets, and has also established telephone exchanges and lines in various places. The postal section of the department yielded an income almost from the first, which grew from Rs. 9 lakhs in 1860 to Rs. 20 lakhs in 1900. The telegraph department worked at a loss in the beginning but earned a profit of Rs. 13 lakhs in 1880 which grew to Rs. 44 lakhs

in 1900. The income from the department as a whole jumped up from 1915, and for the four years from that date has averaged Rs. 142 lakhs. And, of course, the gain to the people is far in excess of the mere profit to the treasury.

XII STAMPS AND REGISTRATION. Civilised life develops a multitudinons variety of property and services and civilised people are continuously entering into contracts and effecting exchanges with one another in respect of all such forms of property and service. Out of such contracts and exchanges disputes also are apt to emerge pretty frequently, either between the parties themselves, or their legal successors, or one of these and a third party who finds rightly or wrongly that his own rights and interests have been more or less ignored or injured. But security of property, reasonable performance of contracts, and reasonable freedom to revise or cancel contracts with fair compensation to parties adversely affected by the exercise of such freedom, are of the essence of a civilised society. And in the settlement of the innumerable conflicts of interest and disputes thus constantly arising, clear precise and dated evidence is required at every step. The registration[3] of agreements contracts and deeds, imposes full deliberation and publicity upon the parties and secures the automatic creation and record of unimpeachable evidence, which either prevents disputes or proves of incalculable value in their settlement. And when a party goes to court it is only right that, unless he can prove his inability to afford it, he should be charged a fee in some proportion, however infinitesimal, to the value of the claim he advances. The cost of the registra-

3 When a party has to go to law, his document would not, in some cases, be admissible as evidence unless it had been registered at the time it originated; moreover, in the case of a document not written on stamp paper, i. e. on which the fee leviable had not been originally paid, the party going to law has to pay not only that fee, but a penalty besides. No document is registered that is not written on stamp paper or not properly signed and witnessed.

tion department should be met entirely out of the income from registration fees. And if the volume of the business it has to deal with leaves a surplus, however low the scale of the fees charged, there is no better use for such a surplus than to treat it as a contribution towards the expenditure upon the judicial department, which is certain to be heavy and in excess of the income derived from court fees. Stamps and Registration yielded a net revenue of Rs. 2·76 crores in 1876, Rs. 4·78 crores in 1896, and Rs. 8·82 crores in 1916.

Alston, Indian Taxation:—for the whole of this Chapter.

CHAPTER XI

Financial Deconcentration: Local Self-Government

§ 54 *Mayo to Hardinge.* We have seen that from the Regulating Act onwards parliament tried to unify British India more and more under the single authority of the Governor General in Council. The presidency governments were depressed more and more into administrations or mere agents of the central authority and the process was completed by the Charter Act of 1833. Twenty years later witnesses from the provinces, examined in connection with a renewal of the Charter pressed for some financial independence especially with regard to public works, but the Act of 1853 introduced no reduction in the Governor General's powers of control.[1] And after the mutiny, the need for economy and the authority of

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1 Sir Charles Wood's speech, 3-6-1853; for extracts see *Mukharji* I p 128-32.

the Viceroy and his Council and especially of the Financial Members of that Council who were appointed directly from England were, relatively speaking, greater than ever, and the provincial administrations sank so low that they could not increase any salary, or create any post or even "rebuild a stable that had tumbled down,"[2] without the sanction of the Government of India. Such over-centralisation, however, was soon discovered to be suicidal. No agent would reduce expenditure below, or obtain an income above, the customary amount, if he was left no discretion as to the use of the money saved or earned. And if the agent's proposals on changes that were either indispensable though involving extra expense, or likely soon to yield a net gain, were repeatedly vetoed by an authority too far off and too ignorant to be able to enter into their merits, he would soon lose heart in his work and all sense of responsibility about it. It was necessary, therefore, to restore some initiative, discretion, and sense of responsibility to the provinces, and the first step in this direction was taken by Lord Mayo's Government in 1871. For this purpose several of the spending departments were, so to speak, lumped together into one, to be known thenceforward as Provincial Services; and the Government of India made a single consolidated grant to each province for these Services collectively, a grant that added to the normal income from them was just sufficient to cover the normal expenditure. The provinces were given a certain amount of freedom in the administration of these Services and were assured that they would be permitted to carry forward as their own to the ensuing year whatever balance they created by better administration. The departments thus provincialised were Education, Jails, Police, Medical Services (in part), Registration, Printing and Public Works. Of these Registration was the only head that yielded a net income. The next important step was taken by Lord Lytton's Government in 1877. In-

2 *Strachey*, p 121.

stead of a fixed consolidated grant, other heads yielding a net income were handed over to the provinces; Excise, Land-revenue, Forests, Income Tax, and Stamps were among the heads so transferred, along with the expenditure heads of Law and Justice, General Administration and Minor Departments. The normal income of some of the income heads was transferred altogether, and a share in the case of others. Some of the productive Public Works were also made provincial. The total provincial allotment in 1871 was about £ 5·5 millions; under the more extensive scheme of 1877 the control of about £ 16 millions of annual expenditure was transferred. Five years later Lord Ripon's Government went further still. All the heads of income and expenditure were arranged under three classes: customs, posts and telegraphs, railways, opium, salt, tributes, the mint, Home charges, and the military department continued wholly Imperial; civil departments and provincial public works became wholly Provincial. The rest became Divided Heads, that is, the net income was to be shared between the central and provincial governments in proportions definitely laid down by the former; and amongst them the head of land revenue was given this unique position, that the amount by which the allotted income from the other heads fell short of the total expenditure transferred to provincial control was made up by the transfer of a carefully calculated percentage of the land-revenue. [3] These settlements

3 Lovat Fraser notes as one result of these financial arrangements that the provinces "were tempted to be over rigid" in their land revenue collections (*Curzon and After* p 357). And *Report I. C. R.* § 109 in pointing out the defects of the system even after it had been fully developed by Curzon, Minto and Hardinge specially emphasizes its bearings upon land revenue and irrigation. "As regard revenues, so long as the G. of I. take a share in the proceeds they have a strong motive for interfering in details of administration. Their interest in land revenue e. g., inevitably leads them to a close supervision over revenue settlements; and the control tends to become tighter in cases where expansion and development, as in the case of irrigation, depend on capital outlay."

were for five years and when first introduced it was fully intended that the government of India would not only confine their own expenditure within the resources they had thus provided for it, but even go to the aid of the provinces whenever any one or more of them suffered from a calamity like famine. But a long series of lean years followed, years, moreover, during which the expense on the army and the loss on exchange increased enormously. At the renewal of the quinquennial contracts on three successive occasions the supreme government seized for its own use a substantial portion of the increase in income which the provinces had created by careful administration. And special contributions were also exacted on more than one occasion during the period. The inevitable result was again to weaken the administrative and financial conscience of the provincial authorities. As Sir A. Mackenzie said in the budget debate of 1897, "the provincial sheep is close-clipped and shorn of its wool, and turned out to shiver till its fleece grows again. The normal history of a contract is–two years of screwing and saving and postponement of administrative improvements, two years of resumed energy on a normal scale, and one year of dissipation of balances, for fear that if not spent they will be annexed by the supreme government at the revision. Now all this is wrong, not to say demoralising.'

But the cycle of poor years came to an end, the exchange difficulty was over, the opium revenue revived, and as mentioned in the last chapter, large surpluses were realised year after year. The central government started making grants to provinces, earmarking each for a specified object and making it a recurring annual grant or allowing its utilisation to be spread over years. The object was, as Lord Curzon put it,[4] that the provincial stokers in charge of the administrative machinery might no longer be handicapped for want of fuel and that the

4 Budget speech, 26-3-1902.

engines might once more be propelled at full speed. In 1904 the entire relations between the supreme and provincial governments were reviewed and a system of quasi-permanent settlements was started, in which the resources handed over to the provinces were for the first time not inadequate to their needs, particularly when the special grants mentioned above which were also continued, and the subsidies [5] given from time to time to such provinces as needed them, were also taken into consideration. And at this third start the determination was firmer than ever that the amounts resigned to the provinces were not to be touched at all by the supreme authority as far as possible. The famine of 1907 added a new device, as a buttress to the system. The Government of India placed to the credit of the provinces liable to famine, a carefully calculated amount, which was to remain at their credit, until when famine broke out it was to be drawn upon; and famine expenditure by any provinces beyond this amount was to fall equally upon the province and the central government. Finally, in 1912, Lord Hardinge's government simplified the entire system as far as possible and declared it permanent. The expenditure handed over to the quasi-independent control of the provinces under this scheme of financial deconcentration rose from £ 18 millions (out of a total of £ 68 millions) in 1904, to £ 29 millions (out of a total of £ 79 millions) in 1911, and £ 36 millions (out of 123) in 1918. It was not a system of decentralisation in any proper sense of the term. True decentralisation was impossible under a constitution that held the Government of India and the Secretary of State in Council responsible for

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4 This policy of giving subsidies and the connected one of making special grants were criticised by more than one province and the Royal Decentralisation Commission (1907-9) examined the matter fully. For the final decisions of the Government of India on this and all other topics arising out of the subject of financial devolution see the G. I. R on Provincial Finance, No. 27 F, dated 18-5-1912.

every detail as well as for the general methods and broad results of the governance of British India. The Government of India could not consistently with the discharge of its own constitutional responsibilities allow the provinces to tax or to borrow except only in a very small way; and real financial or administrative enfranchisement is impossible except where adequate powers of levying taxes and raising loans exist. No province could have a policy of its own either, without such power. And unless and until the dependence of the provincial executives upon the central was given up, and their dependence instead upon representative legislatures responsible to the people substituted for it, no radical change of system was possible. All that can be claimed for the financial deconcentration of the period from 1904 to 1919 is that it provided less inadequately for the needs of the people than the earlier system that had been introduced in 1871, and that it prepared the ground for the fundamentally different system which the Government of India Act of 1919 has now rendered possible.

Report I. C. R. §§ 102-120.

Mukharji I pp 623-38, 651-67, 719-21.

§ 65 *Presidency Town Corporations.* The history of local self-government in British India begins with the name of Sir Josia Child. He obtained a charter from James II (1687) to set up a corporation at Madras,—a mayor, aldermen and sixty or more burgesses,—who could build a town-hall, a jail and a school-house, improve the roads, and undertake the lighting, conservancy and other duties of a city corporation, and were empowered to tax the inhabitants for such purposes.[1] An octroi or terminal tax was, however, the only impost the inhabitants submitted to, and this first corporation languished for want of resources. Subsequent efforts to keep the presidency towns fairly clean and improve them did not

1 *Ilbert*, pp 21-3,

succeed much better,[2] and government were obliged to hand over the duty in each place to three salaried officials from 1856. The municipal administration of the presidency towns has a continuous history only from this point onwards.

Madras. The Act of 1861 established provincial legislatures and these renewed the attempt to create local governing bodies for the presidency towns. The Madras Act of 1867 divided the city into eight wards, created a body of thirtytwo nominated members, four from each ward and over eleven of them officials, with a nominated president; and entrusted the police, education, hospitals, vaccination, street cleaning and lighting of the city to this body. The police were taken over by the Government from 1871, and by an amending Act of 1878, half the commissioners came to be elected. The corporation was however little more than a body of advisers to the president, who wielded all the powers, practically without any check. The most important works of public utility completed by this corporation were the Cholavâram and Red Hills Tanks, which supplied drinking water to the growing population upto 1884. A cyclone breached the latter tank in that year, the water was also found on analysis to have deteriorated in quality, and work had to be commenced on a new and larger water works scheme which was not completed before 1911. In the meanwhile the Act of 1884 gave a new constitution to the corporation increasing the number of elected members to twenty-four. And twenty years later, another Act increased the

2 The Mayor's Courts, established 1726, were entrusted with some municipal functions. Under the Charter Act, 1793, all European British subjects could be appointed justices of the peace, and the presidency town J. P.'s were formed into a corporation and municipal duties were assigned to them with the necessary powers. In 1840 and later, experiments were tried to secure by election from amongst the J. P.'s a member who would take fairly continuous interest in such matters.

total number of corporators to thirtysix, twenty to be elected by the wards as before, three each by the Chamber of Commerce and the Trades Association, and two by such other association, corporate bodies, or classes of persons as Government might direct. A standing committee consisting of the president and eight corporators was also constituted to exercise some check upon the president on financial and public works questions. And power was also given for the removal of the president by a vote of twenty-eight members[3]; but the Madras Corporation has throughout been and still continues the most backward of the presidency town municipalities.

Calcutta. The Act of 1863 established a corporation at Calcutta consisting of a nominated president and the J. P.'s residing in the city. Schemes of water supply and drainage were taken in hand, the Hindu practice of throwing corpses into the river was stopped, burning and burial grounds were placed under strict supervision, and other measures for reducing insanitation were prosecuted with vigour. The Act of 1876 replaced the justices of the peace by elected and nominated members, fortyeight elected by the ratepayers, twentyfour nominated. But the Act continued all the powers of the corporation in the hands of the nominated president, and even as advisers and exponents of popular views and desires, a body of seventy-two proved rather unwieldy for business-like debates. In the meanwhile the suburbs in close proximity to the city but outside the limits of the corporation grew in numbers and in filth, and the ratepayers demanded a remedy for the evil. The Act of 1888 amalgamated seven of the suburbs with the city, and the water supply, drainage and sanitation systems had to be extended over the additional area. Lord Curzon's Act of 1899 followed, cutting down the number of members to fifty, twenty-five

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3 There is a similar provision in the Bombay and Calcutta Acts also.

elected by the ratepayers, four each by the Chamber of Commerce and the Trades Association, two by the Port Commissioners, and the rest nominated. This Act also created a standing committee of twelve, in imitation of Bombay; but the nominated president continued more independent of popular check or control, and the corporation as a whole, therefore, was more of an officialised department, than in Bombay. It was also in imitation of Bombay that an Improvement Board of eleven trustees—four nominated by government, four elected by the Corporation, one each by the Bengal and the Bengal National Chambers of Commerce, and a nominated president,—was established by an Act of 1911, to open up congested areas, regulate housebuilding and house-occupation, create open spaces, construct buildings for the poor, and pursue systematically a policy of progressive city improvement. It is only in one particular that the Calcutta corporation appears to have done somewhat better than the Bombay model. Its roll of voters was for many years as small compared to the population, as in Bombay or Madras. But by an amendment of the rules in 1909 the number of voters was increased from under 10,000 to over 38,000.[4]

Bombay. The Bombay Corporation established under the Act of 1865 saw the light on the 1st of July, a day never to be forgotten in local history, since it witnessed the bursting of the huge speculative bubbles floated by reckless company promoters upon the sudden jump in cotton prices resulting from the American Civil War.

4 The racial distribution of the vote is even more striking than the small total number of persons held entitled to it. *The Bombay Chronicle* analysed the Bombay Municipal elections of 1916 and 1919; it showed among other things, that in 1916 there were only 11,547 voters—784 Europeans, 330 Indo-Portuguese and Eurasians, 2,806 Parsis, 2,578 Muhammadans, 4,924 Hindus, and 125 others. The corresponding figures for 1919 were respectively 12,781—858; 246; 2,924; 2,872; 5,760; and 121. The distribution in Madras and Calcutta is certain to have been quite as faulty.

This first corporation consisted of a nominated municipal commissioner and justices of the peace. Arthur Crawford was the first Commissioner and he prosecuted his activities for the cleansing and improvement of the island with a vigour which soon outstripped the resources placed at his disposal. The J. P's had little power to check him, he had little need to exceed the extensive powers the Act gave him, but in his zeal he was guilty of both extravagance and irregularities, the J. P.'s themselves led the popular agitation for an inquiry and a reform of the constitution, and the result was the Act of 1872. It was universally acknowledged that the powers of the executive head must be curtailed, and that a body like the J. P.'s appointed for life would not answer. Few of the older leaders ventured to suggest a body periodically elected by the ratepayers, since they had no hope that government would consent to the adoption of popular election in India. Pherozeshah Mehta, however, then only twentysix, had the audacity and optimism of youth. He also saw that it was not merely a Bombay question; the constitution that proved successful in Bombay would have every chance of being extended to other Indian towns also. He boldly suggested[5] a corporation of which half the number was elected by the ratepayers and the other half made up of J. P.'s and nominees of the government; a corporation of which the executive powers were

5 "...A similar expedient to that adopted in the constitution of the English Board of Guardians in which the J. P.'s of the district sit *ex-officio* along with the elected members, in number limited by law to a third of the whole. A number of members, holding positions of public trust and importance might be similarly incorporated *ex-officio* in our elected body, thus ensuring the admixture of a certain amount of the highest intelligence and education in the town...such a body may be left not to administer and govern, for which it is radically unfit, but to fulfil its proper function...The only way to dispose of the excutive authority is to vest it in a single responsible officer...The most liberal political thinker of the present age emphatically lays down that such an officer should be nominated, not elected"...From Mehta's Paper on the subject, 29-11-1871, printed at *Speeches*, pp 81-115; see also, for the rest of the above paragraph, *Speeches*, 186-22, 235-59. And Mody, *Life*, pp 56-80, 116-21, 193-206, 265-73, and 558-63.

vested in an officer nominated by government. These were the very principles finally embodied in the Act of 1872, which also provided a Standing Committee of twelve, eight elected by the corporation and four nominated, for more detailed supervision and control of the executive departments. The corporation itself laid down general policy, scrutinised and sanctioned the budget, and attended to complaints and shortcomings. The system worked so well that no radical change was introduced by the Act of 1888; popular representation was increased by the addition of eight members to the whole,[6] four more elected by the wards, two by the University, and two by the Chamber of Commerce. The Vehar Lake in the valley of the Gopur river had been completed in 1860, work on the Tulsi Lake in a higher valley was begun and completed in the seventies, the Pawai Reservoir was finished in 1890, and the great Tansa Lake with a masonry dam two miles long was ready by 1892. Government and the corporation had various differences on financial and other questions and on more than one occasion the latter had to appeal to the government of India and the Secretary of State. But on the whole they worked together fairly smoothly, and in the face of calamities like the plague the corporation set an example of loyal co-operation to the rest of the country. The Bombay Improvement Trust was constituted in 1898, with fourteen members,—four elected by the corporation, one each by the Chamber of Commerce, the Port Trustees and the Mill Owners' Association, and seven nominated,—and a nominated president. And in 1907 government took upon itself the entire burden of the city Police, transferring to the corporation in exchange the entire burden of primary education, medical relief and vaccination. This put an end to controversies which had lasted for years, and the expendi-

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6 Bringing up the total to 72.

ture of the corporation upon primary education, which had been far greater than in Calcutta and Madras from the first, has gone on increasing at a still higher rate from 1908 upto date. That public opinion has not urged the corporation to advance with equal or greater energy in providing better sanitation, more and better equipped hospitals, medical schools, and at least a second medical college, is a fact which clearly indicates the level at which vocal and active opinion stands today in our country even in wealthy and progressive Bombay.

§ 56. *Town Municipalities.* The above account shows that Bombay City had elected members before Madras and Calcutta. And historically some of the smaller cities had elected members in their Municipalities even before Bombay. The principle of election was accepted in the provincial Acts constituting city and town Municipalities (1871-4), which followed Lord Mayo's Decentralisation Resolution (1870);[1] and although C· P. was–the only pro-

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1. The Bengal Act X of 1842 proved inoperative. Act XXVI of 1850, applicable to the whole of India, but principally availed of in Bombay and U. P., did not create any Municipalities with elected members. Local Self-Government in the proper meaning of the term necessarily implies local bodies including a number, however small, of popular representatives. Hence the history of local self-government in British India begins only with the above Resolution of the 14th December, paras 23 and 24 of which are quoted here as really initiating the change:—

"23. But, beyond all this, there is a greater and wider object in view. Local interest, supervision and care are necessary to success in the management of funds devoted to Education, Sanitation, Medical charity, and Local Public Works. The operation of this Resolution, in its full meaning and integrity, will afford opportunities for the development of Self-Government, for strengthening Municipal institutions, and for the association of Natives and Europeans to a greater extent than heretofore in the administration of affairs.

24. The Gov. Gen. in Council is aware of the difficulties attending the practical application of these principles. But they are not insurmountable. Disappointments and partial failures may occur; but the object in view being the instruction of many peoples and races in a good system of administration, H. E. in Council is fully convinced that the Local Govts. and all their subordinates will enlist the active assistance, or at all events the sympathy, of many classes, who have hitherto taken little or no part in the work of social and material advancement."

vince in which election thus came to be generally resorted to, the other major provinces also (except Burma) came to have a number of municipalities with elected members. Lord Ripon's Resolution of 1882 followed, that solitary gleam of genuine liberalism in the entire period of which we are reviewing the history.[2] Lord Ripon's aims were a greater uniformity, a greater association of the people in the tasks and responsibilities of a civilised administration, which were bound to grow increasingly onerous, and above all the development of "an instrument of political and popular education." He realised clearly that the steps he advocated might bring about at first some loss of efficiency but "had no doubt that in course of time as local knowledge and local interest were brought to bear more freely upon local administration improved efficiency would in fact follow," especially if Government officers "set themselves to foster sedulously the small beginnings of the independent political life and came to realise that the system really opened to them a fairer field for the exercise of administrative tact and directive energy than the more autocratic system which it superseded." He added that "as education advanced there was rapidly growing up an intelligent class of public-spirited men all over the country whom it was not only bad policy but sheer waste of power to fail to utilise." And he also urged that the contemplated advance could not be a success unless it was "though cautious, yet at the same time real and substantial." The fundamental principles he laid down, "which after every allowance has been made for local peculiarities must be universally followed and frankly adopted, if the system was to have anywhere a fair trial" were:—(1) Not less than two-thirds of the members of the Municipalities must be non-officials. (2) The system of election should be cordially accepted, Government officers should set

2 To be more exact, in the period from 1858 to 1906.

themselves to make it a success, and it should be introduced at once as widely as possible, first in towns of any considerable size and then though cautiously also in smaller and less advanced areas; "the simple vote, the cumulative vote, election by wards, election by the whole town or tract, suffrage of more or less extended qualification, election by castes or occupations, new methods unthought of in Europe," should all be tried, until experience indicated the form or forms "best suited to the local peculiarities and idiosyncracies of the different populations." (3) Government control should be exercised in two ways: Municipalities should have to obtain the sanction of Government before deciding upon some of the most important acts, such as raising a loan, levying a novel tax, or any matters likely to affect religious passions or the public peace. But the number of cases in which such previous sanction was insisted upon ought to be gradually reduced, and the executive should confine itself more and more to "control from without rather than from within;" the act or acts of the Municipality might be set aside in particular cases; "in the event of gross and continued neglect of any important duty," the Board might even be suspended for a time; but all the resources of friendly advice, sympathetic exhortations and timely remonstrances must first be exhausted. (4) The chairmen should be non-officials as far as possible, for thus alone would the non-official members come to feel that they had real power and responsibilities; thus also could the committees become effective schools of public spirit and political education. The chief executive officers should stand outside, "acting as arbiters between all parties, and not as leaders of any;" and so, even where, to begin with, official chairmen could not be dispensed with, they should not vote in the proceedings. (5) Expert advice help and supervision by such Government officers as engineers and doctors must be rendered

by them as servants of the Municipality and not their masters; the outside control vested in the District Officer should be sufficient to ensure smooth working. (6) Lastly, the resources made available for these self-governing bodies should in the main be such as could yield an increasing revenue with improving administration; nor should any duties involving additional expenditure be transferred to them without the simultaneous transfer of additional resources fairly adequate for the purpose.

It must be admitted that these ideas were at the moment of their promulgation somewhat in advance of the time. Outside the presidency towns, the great majority of the elderly Indians who had then acquired any eminence, still preferred nomination by the government; a contested election they hardly cared for, success in one they hardly deemed an honour; nor were there many among them who could face their responsibilities or make a firm stand in the defence of their own convictions. The provincial governments were not ignorant of these facts and in translating the aspirations of Lord Ripon's Resolution into Acts of the legislature (1883-5),[3] they drafted the provisions in a conservative spirit. In the day to day administration of these provisions, again, the District Officers and their superiors whittled them down still further. And in the meanwhile, education was spreading, the younger men coming to the front were increasingly of a more modern type, nor did there arise any one between Lord Ripon and Lord Morley to recast the laws and reform the practice. The Decentralisation Commission appointed by the latter reported in 1909, a generation after Lord Ripon, that Municipalities ought to be given a substantial elective majority and allowed to elect their own chairmen, that they should have greater free-

3 The Act remodelling the C. P. Municipalities was passed as late as 1889.

dom in regard to their duties, establishments and taxes, that they must be relieved of some of the charges and contributions taken from them, and that they could not perform even their proper functions efficiently until they were also granted both a permanent addition to their resources and occasional substantial assistance besides to undertake necessary but expensive projects such as drainage or water supply schemes.[4] The period from 1882 to 1910 was not indeed altogether barren. Lord Ripon had spoken of a temporary loss of efficiency for the sake of familiarising the people with the modern methods of supplying their needs and solving their problems by their own efforts, through their own representative committees. What actually happened was "that the educative principle was subordinated to the desire for more immediate results. . . . The broad fact remained that in a space of over thirty years the progress in developing a genuine local self-government had been inadequate in the greater part of India."[5] In spite of elected members slowly increasing in numbers to about a half of the total, the system worked mainly as a department of the State imposed upon the people from above. Town conservancy and sanitation, the principal markets and roads and especially the water supply improved upto a certain point and then were maintained at that higher level. The last of these services is a specially noteworthy item. The large number of cities and towns which have had water-works constructed for them, bringing to each house an abundant supply of pure water, reflects as much credit on the administration as their successful fight againt smallpox mentioned in an earlier chapter. But though there has been this improvement in the municipal administration in the course of these decades, the rate of improvement cannot

4 Report, ch 20 ; see also the 1915 Resolution on L. S.-G. Policy.

5 Report I. C. R., § 13 ; see also the 1918 Resolution on L. S.-G. Policy, § 3.

be held to have kept pace with the growing needs, still less outstripped them : a more favourable judgment is impossible in face of the death-rate.

A brisker rate of progress commenced from 1910 when Sir Harcourt Butler was placed in charge of the department as a member of the Governor-General's Council, and especially from 1915 when Sir C. Sankaran Nair succeeded him. The municipalities—and District Boards —became from 1892 electoral colleges for the return of members to the provincial legislative Councils, a function that assumed somewhat greater importance from 1909, as they returned more members under the Morley Reform. And with the parliamentary announcement on the 20th August 1917, it has become more than ever necessary to make the municipalities—and the district boards—representative bodies responsible to the people in the full sense of the term. The Viceroy in commenting on the pronouncement observed that the time had come to quicken the advance in the domain of urban and rural self-government, to stimulate the sense of responsibility in the average citizen and to enlarge his experience. A Resolution of the Government of India reviewing the subject as a whole followed (1918), with recommendations of a far-reaching character. (1) The elective element was to be raised from slightly over a half to seventyfive *per cent.* of the total number of members. An adequate representation of minorities was to be secured either by communial representation or by nomination. As Chief Officers, Municipal Commissioners, Health Officers, and other experts (whose appointment to executive office under the general direction of the municipality but with powers defined by legislation and by-laws had been recently introduced)[6], increased in numbers, it was

6 Bombay provided for such appointments by an amending Act in 1914 ; U. P., in 1916 ; &c.

felt that the need for Government officials as members of municipalities would not in future be as great as in the past. But even where they continued to be necessary, they were to be appointed merely as advisers and supernumeraries, without the right of voting. (2) The municipal franchise was high, its actual working was not a little arbitrary, and the electoral roll rarely included more than six per cent of the population. This was to be reformed everywhere, and the electorate was to include about sixteen percent., so as to be really representative of the ratepayers. (3) Of the chairmen in 1914-15, 222 (32°/o) were elected non-officials, 51 (7°/o) were nominated non-officials, 248 (35°/o) were elected officials, and 174 (25°/o) were nominated officials.[7] Bombay had 56 non-official chairmen out of a total of 153; Bengal, 82 out of 111; Punjab, 16 out of 104; U. P., 39out of 84; Madras, 53 out of 63; C. P. and Berar, 12 out of 56; Bihar and Orissa, 12 out of 55; Assam 3 out of 15; and the chairmen in the Municipalities of the other provinces, about sixty in all, were as a rule officials. The number of elected non-officials as chairmen was to be increased as far as possible, though municipalities were not to be forbidden either to ask for a nominated chairman or to elect an official as chairman, but in the last alternative the election was to be by a majority of the non-official members and to be also dependent upon the approval of higher authorities. (4) The subject of control over the municipalities by the executive government gave rise to recommendations equally fundamental. Indebted municipalities whose loans had been either obtained from or guaranteed by Government were not to be free to make any alterations in their taxation without government sanction; but all other municipalities, especially those with a substantial elective element returned on a broad franchise, were to have full liberty in the matter within

7 Resn; 1915, § 7.

the limits laid down by the legislature, except where the legislature had not prescibed a maximum rate. The municipalities were also to have such greater control over the establishments provided out of their resources as the Decentralisation Commission had recommended. And the further recommendations of that body that municipalities should be free to make their own budgets, provided that they maintained a prescribed balance, and that the grants and subsidies given to them by Government should not be rigidly earmarked for specific services or should be in the form of a percentage contribution towards the expenditure on particular objects, were also endorsed. On the other hand, the powers of the exeeutive government, exercised either by the Collector and District Magistrate, or by the Commissioner, or by the Provincial Government itself, to suspend particular resolutions of a municipality, to remedy the neglect or omission to perform certain indispensable services, and even to suspend a municipality for a time in cases of grave and continued default,-at any rate, after Government had dissolved one council and ordered a fresh election to enable the electors to replace it by a better,-were necessary in the interests of the people and were to continue unimpaired. (5) Finally, the member of the executive council in charge of the local self government portfolio might have a board or a standing committee of the legislative council to help him, and such a body might not only shape policy and serve as a supreme court of appeal, but it might also entertain inspectors, auditors and other expert establishments, not merely to check and criticise but also to help, advise, and influence municipalities and local boards in a variety of ways.

Municipal activities and municipal finance are still in their infancy in our country. The importance of cattle and dairy produce, vegetables and green groceries, and of male and female labour for miscellaneous domestic and

factory purposes is not yet sufficientily realised, nor has any comprehensive policy been yet attempted or even thought out, distinguishing clearly between the sphere and responsibilities of the State, the towns, and the village areas in these matters; and the consequence is that chaos reigns although under the title, so dear to mid-Victorian liberalism, of individual liberty and free competition, chaos but slightly mitigated by such State tinkering as factory laws. Latterly we have begun to talk glibly of garden cities, city improvement and town-planning; but we do not appear to have advanced even in idea beyond wider roads and sanitary dwelling houses in particular areas. The key to the rapid, adequate and permanent improvement of a congested area like Bombay, for instance, really lies not inside that area at all, but outside; the real problem is to remedy the human drift towards Bombay, the instinctive drift of struggling masses in search of employment and food ; and the real solution can only be such an organisation of production and labour in the surrounding areas as would yield to the people there sufficient remunerative employment and so fix the bulk of them where they are, enabling each locality to keep for itself out of what it produces sufficient for its own regular needs, and to export the surplus. To try to make just one organ or region in a whole organism stronger and more active than the rest of it, is merely to draw the whole life-blood more and more into it, and thus to destroy the whole organic complex all the more surely, because the real effect is disguised by the maintenance of a hectic appearance of health vigour and progress in the particular organ or region favoured by this one-sided short-sighted system. Local remedies may have to be attempted at start, but these could only be palliatives, and there could not be any real solution without envisaging and attempting the problem as a whole in all its intricate ramifications. The legislature, how-

ever, has so far assigned to municipalities and rural boards hardly any powers and responsibilities for the proper regulation and organisation of any of these larger matters. [8] The fact is that in the definition of the powers to be granted to municipal and rural boards, English models are for India almost the worst models in the world to follow. Great Britain is a little island obtaining the bulk of its necessaries by import from other countries, and exporting in return capital, political commercial and shipping services, coal, and manunfactured goods. It is by this system of economy miscalled free-trade, that England has maintained a marvellous rate of growth in wealth and population for over a hundred and twenty years. Its manufacturing ship-building and mining districts thrive upon a concentration of the population. Self-sufficiency in the production of necessaries became physically impossible long before Peel's repeal of the Corn Laws, and even the idea of maintaining it was dropped with that repeal. Picture a ship at sea now in front of one coast and now another, with vast almost inexhaustible mineral stores in its holds and several workshops upon its decks; there are plenty of children, women and old men always on board, the ship is their only home ; but of the adult male population, large numbers always spend more of their time on the coasts, and taking capital skill and power along with them when they land, they send over to the ship interest, profit and tribute dividends in the shape of necessaries

8 See, for instance, the Bombay District Municipal Act 1901, as modified upto the end of 1919-20, ch. 9. "Municipal Powers and Offences." The sub-captions are : Powers in respect of streets (3 sections), Powers to regulate buildings &c. (7 sections), Powers connected with drainage &c. (14 sections), Powers regarding external structures etc. (6 sections), Powers for promotion of public health safety and convenience (8 secticns), Powers for the prevention of nuisances (13 sections), Regulation of markets sale of food etc. (12 sections), and Nuisances from certain trades and occupations (12 sections).

and luxuries ; the men, women and children busy on the ship in its holds and its workshops consume themselves only a little of what their labour yields, they are labouring all the while with a view to the needs of the coast populations, and sending over the bulk of what they make, buy in return such other necessaries and luxuries as they need but cannot produce inside the ship. That has been the situation, the policy and the economy of England. State municipal and rural institutions and regulations which further such a system, the Englishman instinctively looks upon as inherently right and just ; institutions and regulations of a different character he finds it difficult to understand, and even when he does so his sympathy for them can only be halfhearted. India on the other hand is a sub-continent, economically self-sufficient and even rich if properly organised, and geographically severed to an exceptional degree from other countries, so that it is no exaggeration to call it a world in itself. The Englishman, again, is not only self-reliant but also enjoys his self-reliance, to an exceptional degree. That is what his history and traditions have made him. Our history and traditions, on the other hand, have fashioned us very differently. We are almost at the opposite pole of humanity. The Indian is nothing if not communal : the family, the caste, the hereditary occupation and status, the village, the birthplace, he clings to with all his heart, and more than all his strength ; he is never so happy as when living and working in and through and for them and under their protective canopy (छत्र). As soon as our municipalities and districts become really self-governing, it needs no prophet to predict that the tendency will be to claim for them almost all the powers of a state in miniature, and to organise them as a federation of occupation and trades' gilds, each accepting full responsibility for and asking for complete control over its members. That, of course,

would be mediaevalism, and the tyranny of it would be far greater under modern conditions. India is a world in itself; but it does not follow that each or any of its provinces is a world in itself; and to allow any town or district to organise itself on the supposition that it was also a world in itself would be the height of absurdity. Municipalities and districts must have far greater powers and freedom than hitherto; but where the line of demarcation is to fall between these on the one side and the State on the other, how each is to be the associate feeder and prop of the other in the every day life education and production of the community as a whole, is a problem so complex and difficult, that our legislatures will not be able to solve it in a hurry. Perhaps the best policy in the long run would be to allow local bodies a reasonable latitude for experimentation in the beginning, so that courses tempting in appearance but essentially unsound might have their real nature demonstrated, and the evils and losses necessarily resulting might be held in check and prevented from spreading over extensive areas.

The annual income of our district municipalities from taxes and rates and government contributions was Rs. 129 lakhs in 1880-1, Rs. 237 lakhs in 1900-1 and Rs. 492 lakhs in 1912-13.[9] As there were seven hundred municipalities in the last year, the average income per municipality was Rs. 70,000 per year. The average in the U. P. with its large cities such as Lakhnow, Benares, Cawnpore, Agra, and Allahabad, the smallest of which has over a lakh and three quarter inhabitants, is almost Rs. one lakh per year; the average in Bombay with its many municipalities that in other provinces would be only 'notified areas', is only Rs. 57,000 per year ; in Behar and Orissa the average falls below Rs. 40,000. The principal taxes are *octroi* in

9 *Imp. Gaz.* IV p 306 and the 1915 *Resn.*, § 10.

Bombay, U. P., Punjab, C. P., N. W. F. P., and Dehli; and taxes on houses and lands in the other provinces. The second is a tax upon property or capital or consumption, and in so far as it is a tax on capital, the owner could transfer it to (i. e. recover it from) the man actually consuming the capital, and thus alter it into a tax on consumption ; but it is always felt as a direct tax. The first is a tax on consumption which is not so felt, since it is collected from the person bringing the article within municipal limits and not from the individual consuming it. Madras, Burma, Berar, and Assam District Municipalities also realise substantial amounts from tolls; Punjab, N. W. F. P. and British Baluchistan are the only provinces where there are no tolls; and every province taxes animals and vehicles. The tax on professions and trades—an income tax—is the principal source of municipal income in Berar, and Madras also derives one-fifth of its taxation-income from this source. And the other taxes levied are really rates for the services rendered such as water-supply, conservancy, lighting, schools, and hospitals.

§ 57 *Rural Boards and Village Panchayats.* The remaining section of the subject can be dealt with more briefly. There were no elected members on rural bodies in any province until the local self-government Acts passed in consequence of the Ripon Resolution introduced them.[1] That Resolution desired that "the smallest administrative unit-the subdivision, the *taluka*, or the *tahsil*,—should ordinarily form the maximum area to be placed under a local board ;" and recommended for such boards as also for the higher district council or board in each district the same principles and aims as have been indicated in the foregoing sketch dealing with the municipalities. But in the boards actually set up or reorganised

1 For the earlier history of rural bodies see *Imp. Gaz*, IV pp 298-9.

in the eighties of the last century there was even less self-government than in the municipalities. Madras evolved a triple set. In the greater part of that presidency there are village sites, as elsewhere in India, but the houses of the villagers are scattered, many of them being in the fields, so that neighbouring villages meet and commingle, and in parts of the west coast even the regular village sites are non-existent. [2] Here, therefore, we have *village unions*, or all the inhabitants of a certain area, containing several village sites or only one or none, placed for sanitary administration under a body miscalled a *panchayat*, (पंचायत).[3] Larger areas are the subdivisions of a

2 Upper Assam, too, has no village sites. The houses of the villagers are also scattered in Bengal proper, and in the delta of the Ganges and the Brahmaputra as the rainy season inundations subside, fresh mounds are thrown up, and houses closely packed together upon them, to be all washed away either at the very next inundation or in a few years. In Baluchistan and N. W. F. P. nomad tribes exist in large numbers. And forest tribes, hillmen, and aborigines in a still more primitive stage are still to be found in various parts of our vast country. The residential village with or without a wall or a hedge all round it or with a tower of refuge or a walled temple in the vicinity for shelter in times of danger, exists in the rest of India. But when the census of 1901 is quoted as having enumerated 728,605 villages in British India, the above brief summary of exceptional areas should be borne in mind, and it should be further remembered that "in some places the village was taken to be the area demarcated in the course of a survey, corresponding more or less to the English parish or the Tentonic mark," and in such cases was not necessarily a residential village community.—*Imp.Gaz.*I pp 455-6; J.Matthai, *Village Govt.* pp 8-9.

3 Under the Madras Local Boards Act, V of 1884, a village union with 5 or more members, principally headmen of the villages falling within the union, and a chairman nominated by the chairman of the taluka board, looked after (1) lighting the roads, (2) making and repairing roads and drains, (3) keeping them clean, as also wells, tanks, etc (4, water supply, by constructing and repairing tanks, wells, etc. (5) establishing and maintaining such hospitals dispensaries and schools as Government had sanctioned, (6) and, generally, doing all that might be required for the presevation of public health. Bengal too had such unions from 1895 but they were introduced there experimentally in some parts only, and do not appear to have been a success. Bombay and C. P. had instead village sanitary committees, the larger Bombay villages had sanitary boards with larger powers, from 1889. In U. P. the power of cleansing and constructing wells at the cost of the neighbourhood was given to the Collector from 1892, and there were neither. sanitary committees nor village unions before 1912—***Matthai*** pp 99—108.

district made for constructing and attending to local works such as village roads, tanks, rest houses or dharmasalas (धर्मशाळा), school buildings, lock-ups, &c. Each of these areas including several village unions has a *taluka* board mainly for these rural public works. And there is the District Board for the whole District. Excepting Burma, which has no rural boards at all, and Assam, which has *taluka* boards only, all the provinces have District Boards; and Bombay, C. P., Bengal, Behar and Orissa, and parts of Punjab and N. W. F. P. have sub-district boards also. U. P. had them upto 1906, but the U. P. Act III of that year abolished them.[4] Except in Bombay, elected members were introduced only in the district boards, and in some of the provinces these members were elected by the lower boards out of their own members and these were all nominated. The electors such as they were and where there was any election, were only ·6 percent of the population. After the report of the Decentralisation Commission (1909), recommending that nominated members should be only just sufficient to provide for minority representation and official experience, elected members have been everywhere increased. But Bombay did not consider it advisable to have an elected majority in either board, while such a majority was introduced in Bengal, Behar and Orissa, and Assam, and in C. P. and Madras the elected element was increased to two-thirds and the in U. P. to three-fourths. The chairmen of the district boards have everywhere been Collectors, and of the taluka boards, the subdistrict officers. The U. P. Act mentioned above provided that the district board should elect its chairman, subject to confirmation by the Lieutenent Governor. The Decentralisation Commission held that to drop the district and sub-district officers from the presidentship would be to dissociate them from the

Later on they were replaced in that province by tahsil subcommittees of the district boards.

general interests of the district. And the Resolution of 1918 has recommended that the franchise in all the rural boards should be substantially extended and that election or nomination of non-officials as chairmen should be encouraged, provided that the district or subdistrict having a non-official chairman should also have a special executive officer, appointed or removed only with the sanction of the Government.

The District Boards all over British India numbered 200, the sub-district boards, under 540, and the village unions, under 640. They had over Rs. five and a half crores to spend in 1912-13, and over Rs. seven crores in 1917-18.[4] The public works expenditure came to 50°/o, the educational to 25°/o [5] and that on medical relief to 10°/o of the total. The main item in their income was the one anna cess on the land revenue; but upto 1913 the Bengal, Bihar and Orissa, U. P., Punjab, and N.W. F.P. Governments handed over to them only a part of this, diverting considerable amounts to rural services which were not placed under their control. The contributions from the provincial Governments came to about 25°/o of their income from all other sources and from 1905 onwards the large capital and recurring grants which the Government of India has made principally for the improvement of education and sanitation have enabled the boards to confer increasing benefits upon the village population. The Decentralisation Commission recommended that a District Board might be allowed to levy an extra cess of one pice per rupee of land revenue, for building a light railway or a tramway, and Government accepted the suggestion, adding that the Board might either accumulate the proceeds and build the line out of them, or after a short period of such accumulation raise the balance

4 Excluding "extraordinary" and "debt" items.

5 In Bombay 38% was spent upon education; in U.P., C.P., and Berar, and N. W. F. P., 30%; but on the other hand only 17% in Bihar and Orissa, and Madras was at the bottom of the list with only 10%.

of the capital required on the security of the line itself, or raise all the capital from the first on the guarantee of this annual income. Madras, Bengal and Bombay have already taken advantage of this concession and some other provinces are going to do so in the near future. Other similar devices of increasing the resources of rural bodies either for general purposes or for some special object might also present themselves; and the provincial and central governments might have a period of financial prosperity before them, enabling them to make larger contributions for local use than in the past. Such contingencies, however, are unlikely, and steady progress, at any rate, cannot result from uncertain windfalls. Our district municipalities and rural boards must overcome the extreme reluctance they have so far shown to tax themselves even for objects necessary as well as paying in the long run, both directly and indirectly. Professor Gilbert Slater holds, for instance, that one of the evils India is suffering from to-day is "the heavy and crippling burden of insufficient taxation." No Indian economist will endorse the view for British India as a whole; but the ingenious antithesis does contain a lesson for our district municipalities and rural councils.

In his statement submitted to the Decentralisation Commission G. K. Gokhle[6] said:—

"The time is gone by when the Collector could hope to exercise and with beneficial results a kind of paternal authority over his district The spread of education, the influence of new ideas, the steadily growing power of the vernacular press make a return to the benevolent autocracy of the Collector of old times impossible. The only remedy lies

6 He gives the following figures about villages in the Bombay Presidency:—Total number in the British districts—about 26,000; population below 500—about 16,000; population from 500 to 1,000—about 5,000; larger—the rest. For the villages with a population below 500 he says they should either be joined to larger adjoining villages or grouped into unions.

in carrying a substantial measure of decentralisation down to the villages and in building up local self-government from there. . .

I think in all villages with a population of 500 and over, a Panchayat should be constituted by statute to consist of five or seven members . . . (viz.) the village headman, the police patel of the village where he exists separately, the village munsiff, and the village conciliator, . . . and two or three other persons chosen by such of the villagers as pay a minimum land revenue of, say, Rs. ten. These Panchayats should be invested with the following powers and functions :—

(*a*) The disposal of simple money claims not exceeding Rs. fifty in value, their decision to be final unless gross partiality or fraud was alleged.[7] . . . They may charge one anna in the rupee on the value of the claims as costs in the suits, the parties being exempted from stamp duty and other fees.

(*b*) Trial of trivial offences, such as petty thefts (the value not exceeding Rs. ten), simple assault, simple hurt, abuse, nuisance, etc.

(*c*) Execution and supervision of village works.

(*d*) Management of village forests.

(*e*) Distribution of sanctioned allotments of *tagavi* in the village.

(*f*) Carrying out measures of famine and plague relief.

(*g*) Control of village water supply and irrigation.

(*h*) Supervision of school attendance.

(*i*) Management of cattle-pounds.

The funds of the Panchayats should consist of assignments made by the Taluka Board, costs of civil litigation realised, fines and penalties levied locally, realisation from village forests and cattle-pound receipts. As in the case of Co-operative Credit Societies, it may be necessary for the Government to appoint a special officer to start and guide for a time these Panchayats and watch over their working."[8]

The Decentralisation Commission accepted in a general way the desirability of developing village panchayats with powers and responsibilities with regard to local affairs; but they did not recommend any specific scheme for the whole country, and held that "the system must be gradually and cautiously worked". The provincial governments were even colder in their reception of the idea, and more than one of them were distinctly unfavour-

7 He notes that the total number of suits in the presidency is annually about 1½ lakhs, and fully half the number are claims not exceeding Rs. 50 in value.

8 Speeches, p p. 1213-4. Compare the provisions in the Madras Panchayats Bill introduced by Mr. T, Rangachari in Mrs. Besant's club for political debates, the Madras Parliament, published (1916) as No. 3 of the Madras Parlt. Transactions.

able to it.[9] The Government of India decided that (1) panchayats might be introduced in selected villages [10] 'where the people in general agree,' (2) that where-ever introduced, all other bodies and committees should be merged in them, (3) and that if judicial functions were conferred upon them they should be permissive. The essential point in the constitution of the panchayat was, in their opinion, the association of the village officers with others informally elected by the villagers themselves; and of the possible functions to be assigned to them the most important were village sanitation, village education, and jurisdiction in petty civil and criminal cases.

Legislative measures were introduced or under preparation in more than one province in recent years for improving local self-government, enlarging the powers and responsibilities of local bodies and making them really representative. Bills about village panchayats were also on the anvil. Then came the Government of India Act 1919, under which local self-government was placed in the group of departments transferred to the charge of ministers principally responsible to the people through their representatives in enlarged legislative councils armed with supreme powers with regard to purely provincial matters. We have therefore been marking time from 1918, and shall continue to do so until the new constitution settles down to its work. In the meanwhile instructed public opinion should carefully reconsider what functions could be most beneficially assigned to village panchayats. In the isolation of the Indian village

9 L. S. G. Resn.,1915, § 37. It would be difficult to express greater hostility to the idea of reviving village panchayats as tribunals than was done by Sir Henry Maine—of all people—in a Memorandum to the Secretary of State in 1880, which is quoted by Mr. Matthai (pp 182-3), and deserves most careful consideration by sentimental revivalists.

10 "The area under a panchayat should normally be a village unless villages are so closely connected that they may be treated as one" —L. S. G. Resn, 1918, § 23.

from times immemorial down to the end of the third quarter of the last century, judicial decisions in petty matters had to be either obtained from some person or body within the village boundary, or the aggrieved parties had to go without them altogether. This isolation has gone never to return. A system of travelling arbitrators and honourary magistrates could now be created, who could perform this function quite as cheaply and quickly and far more satisfactorily than lay panchayats, the members of which, moreover, could not always be free from the factions and party and caste feelings so frequent in villages. Again, it is the village environment that forces the witnesses cited and the parties themselves to tell the truth when solemnly adjured to do so: and the arbitrator or the magistrate coming down to the village to hold his court instead of calling up the parties and their witnesses to another place where he was holding it, would have the benefit of this circumstance as fully as it accrued to the panchayat of old or the *patel* or munsiff of recent times. Nor should it be feared that village panchayats would lack influence unless armed with judicial functions. Justice and security, however important, is after all a comparatively secondary matter. Far more important is the primary matter of winning a subsistence through honest intelligent well-directed toil. The castes of old were in India centres of vocational education and trade craft and industrial gilds, all in one, and they helped the individual in town and village throughout his life in his struggles to wrest a com-petence out of his surroundings. But their ability to per-form this service has come to an end or is about to do so, even in the remotest and most isolated villages, and the caste bond is itself fast weakening. The Indian individual feels the loss and is groping after a more modern communal sentiment to hearten him, a more efficient collective organisation to take him by the hand and steady and

direct his faltering steps from the cradle to the grave. The village panchayats of Ancient India had not this primary function to perform as the castes were there already to discharge it far more efficiently. But now new communal bodies of a more modern type are required to undertake it. If any concrete confirmation of this argument was needed, we have it already in the rapid success, moral as well as material, of the co-operative movement, inevery locality lucky enough to find and place at the centre of the society a man or two animated by the spirit of disinterested service and the conscien-tious desire of securing equitable opportunities to all members alike. That is just the type of man who would make of village panchayats too an equal success. Only let us make our village panchayats the media not only for all sanitary advance in the village, but also for all economic, industrial, and educational advance. The Agriculture and the Co-operative Departments have already evolved ideas, methods, processes, schemes, excellent not merely in an academic way, but ready to be applied at once and reduced to practice ; ideas, methods, processes and schemes which they want to spread broadcast in order that the masses in their millions might reap the benefit. The Industries Department is being formed: let us hope it will from the outset begin its operations in three sections—Home Industries or Crafts ; Petty Industries and Crafts requiring, say, six labourers at the most, in which a small motor might be used at option ; and Factory Industries. The Education Department, too, let us hope, will soon get out of its present grooves, and develop practical methods of vocational training in strict correspondence with local possibilities and requirements. And both departments, as soon as they have developed these things, will, let us hope, want at once extensive propaganda work to spread them broadcast. Our village panchayats and other local bodies superimposed upon

them should be so constituted as to make of them the proper media through which these and other nation-building departments could quickly and successfully transmit their enriching ideas to the villager in his cottage home.

Mukharji I pp. 623-737.

Report, Decentralisation Commission, chs 18-20.

J. Matthai, Village Government in British India.

CHAPTER XII.

THE AWAKENING.

§ 58 *Modern Education : The Beginnings.* It is a historical fact that Ancient India from the period of Gautama Buddha and Mahavira Jina to that of Yuan Chwang was a well-educated country even by modern stan, dards, A knowledge of the three R's was widespread· vocational training und apprenticeship were universal, and the country was dotted over with centres of higher learning thought and culture carrying on a living interpretation and continuously fresh adaptation of the rich legacy of former generations. Breakdowns recurred, no doubt, at irregular intervals, whenever famines, epidemic diseases, or wars and invasions devastated particular regions, but these were local in extent and temporary in their effects, and education and culture revived as the locality got over such calamities. The strength of the system lay in its being a spontaneous social actlvity quite independent of the State and its varying fortunes,

even while receiving munificent aid from innumerable rajas, ranis, and high officials, since the donations came from them in their individual capacity, prompted by reverence, or a sense of what they owed to particular localities, or foundations, or gurus ( ), or a desire for the good of their souls. No culture, however, can live on through the centuries unless it can also develop a stable self-sufficient political system, strong enough for defence against attacks from without, and elastic enough to allow ample latitude for the play of individual freedom within. And failing in the first, Hindu society instinctively turned to the only other alternative of strengthening the social framework, until individual freedom and individual initiative—the other indispensable requisite—came to be progressively sacrificed through imperceptible but cumulative stages. Hindu culture was thus weakening internally when the Muhammadan period of our history began, accelerating the decay. The forces of revival had little chance until Akbar established his dynasty, and after little more than a century anarchy got the upper hand again, until the East India Company could attempt a reconstruction, starting from the nuclear points of Calcutta, Madras and Bombay.

The motives of the pioneers were rather mixed. There was sound policy in trying to win the intellectual classes over to the side of the conqueror, by patronising their best representatives and harnessing them to a revival of the learning they valued so highly. The law courts needed learned pundits and moulvis whose rulings the people would respect in proportion to their learning.[1] Devout missionaries and earnest-minded

1. The Calcutta Madrassa founded in October 1780 and maintained for the first few months by Warren Hastings at his own expense, was a Persian and Arabic institution specialising in Muhammadan law. It had a chequered career for over forty years before an English class was added to it. The Benares Sasnkrit College, fonnded by Jonathan Duncan in 1792, was similarly an institution for Sanskrit learning. Here, too, English was not taught before 1827. The Hindu Sanskrit College at Calcutta. founded in 1824, had a wider aim: the cultivation of Hindu (Sanskrit) literature and the gradual diffusion of European knowlsdge through the medium of Sanskrit. This latter attempt, however, did not succeed. Colleges were also established in the twenties at Agra and Dehli, in which Persian, Arabic, Sanskrit and Hindi were taught. The Royal Asiatic Society was founded at Calcutta by Colebrooke in 1822.

leaders of opinion like Wilberforce and Charles Grant wanted to spread Christianity, or at any rate, they wanted the benighted and superstitious heathen to have a chance of seeing for himself what Christianity was, hoping from it the best and the most far-reaching results.[2] The administration had to be cheapened as well as improved, larger numbers had to be employed in various capacities; this was not possible without an increasing use of indigenous agency; and the necessary amount of intregrity, loyalty, intelligence and knowledge could only be obtained at reasonable rates by a suitable system of education. The language of the courts and of official business had to be changed, and this could not be accomplished without the creation of a growing class with a working knowledge of English. A practical training in the medical and engineering sciences was inspired by motives of pure philanthropy as well as by a recognition of their obvious utility. And there was also the faith in the cultivation of the intellectual faculties and the spread of positive knowledge for its own sake. Darkness and superstitions were held to be the greatest enemies of the population and the greatest dangers to the stability of English rule in India, and it was realised that they could only be removed very gradually by the diffusion of a rational education. Equally mixed were the motives of the people, the living material upon whom the experiment was tried, who seized the widening opportunities offered to them in ever increasing numbers. Some applied themselves to the new subjects for the same reasons that their forefathers

2. In the discussions leading up to the Charter Act of 1793 they succeeded in persuading the house of commons to adopt a resolution emphasizing the duty of the state "to promote by all just and prudent means the interests and happiness of the inhabitants of the British dominions in India; and that for these ends, such measures ought to be adopted as may gradually tend to their advancement in useful knowledge and to their religious and moral improvement". But the Company through their spokesmen in the house and in their own Courts opposed the contemplated departure violently and persistently, and the idea had to be dropped on that occasion.—*Mahmud*, p. 229.

for centuries past had applied themselves to the old; study was their traditional occupation, their historical *dharma* (धर्म), the *raison d'être* of their life and their place in the social whole. Others studied with a view to the worldly benefits they personally expected in return. And almost from the first, there were also others, rare spirits with a vision and a faith, of whom Raja Rammohan Roy was the great prototype. These were the first patriots of modern India. They saw their dear motherland feeble, cursed with many ills, humiliated. And they saw in the conqueror and in the West whence he came, the God-appointed agent to restore her to better days. They sat at the feet of England and the West as admiring disciples determined to acquire from the Guru (गुरु) the secrets of economic revival, intellectual activity, moral vigour, social health, political power, and religious purity. The advance of India would have been much quicker and far better balanced if such men had appeared amongst Muhammadans also from the first. And some of the officers of the Company did obtain favourable opinions from one or two liberal moulvis recommending English education to their co-religionists.[3] But the community as a whole hung back suspecting the new departure, and after the Mutiny, their attitude towards the new order was, naturally perhaps but all the same very unfortunately, tinged with a bitterness which did not quite fade away for another two decades.

Official missionary and private efforts, individual and collective, have jointly contributed to the growth and evolution of our complex educational system. All three strands in the historical web are important, each has dis-

3. "The Musalman subjects of the Government are much more jealous of innovation...When it was first proposed to teach them English they consulted their oracle of the day, Azizuddin of Dehli, as to whether it was sinful to yield to the innovation. He gave them a most sensible answer..." H. T. Prinsep's Note on Macaulay's Minute (*H. Sharp* p. 129).

tinctive features, each agency has been inspired by ideals which have demanded more and more effort at every stage of accomplishment, and perhaps the most valuable lesson the history of modern education in India has to teach is that all three are still as indispensable as they were in the dawn of small and tentative beginnings at the opening of the nineteenth century. To educate a subcontinent like India means an ever-increasing outlay on a vast scale, the bulk of which must come out of state treasuries, local, provincial and central. Without a rigid anatomy of structural uniformity and system, moreover, the education of our diverse nationalities would soon cease to be animated by a common spirit, and state agency, legislative and administrative, is the most natural source from which to derive this. The distinctive merits of missionary agency are freedom from the traditional limitations of the Indian outlook, Hindu and Moslem, an appreciation of the dignity of man as man, and a living grasp of the stern economic realities of Indian existence. The official is almost always conscious of being on a higher rung himself, and patronisingly bends down and extends his hand to pull up the Indian from where he is. The missionary, on the other hand, who is the true disciple of his Master, goes among the people, becomes one of themselves, shares their life and work, and the children come to him because of his greater gentleness and love, and gradually they learn from him how to live and work better than their own elders are doing. Missionary education is but a part, though an integral part, of the larger missionary endeavour to recast the whole life of the individual into a higher mould. Missionaries in Indian education are thus the pioneers and path-finders ; they are the experimenters in our educational laboratory. Their failures are many, some even grotesque, but these do not matter ; while every success they achieve, however heterodox the methods, is so much pure gain.[4] It is also pure gain for

Indian undergraduates to come into touch with as many varieties of Western culture as possible, and amongst the professors at missionary colleges we sometimes get humanists altogether different in stamp and lustre from the professors with equal or higher attainments at the Government institutions. The distinctive features of the third educational agency working in our midst have so far been its faith, imitativeness, and docility. Large and increasing numbers of Indian educationists have worked in the fields of official and missionary agency as subordinates of official and missionary superiors, making it their highest ambition to reproduce to perfection the best qualities of their superiors. Even in institutions nominally independent and indigenous the best masters have formed themselves consciously or unconsciously on some model or models. Really independent Indian endeavour has emerged rather late in our educational history and it is not yet possible for the impartial student to form any opinion about it. Sir Syed Ahmad's High School and College at Aligarh had for its initial aim the provision of a public school and a residential college of the English 'gentleman'-ly type for the Muhammadan youth.[5] Mrs. Besant's Central Hindu College, Benares, also attempted a combination of religious and modern education of the highest type, through the agency of Englishmen

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4. See D. J. Fleming: *Schools with a message*; *Village Education in India* (Report of a missionary commission composed of the Rev. A. G. Fraser, K. T. Paul, and others); accounts of the Salvation Army attempts to reclaim criminal tribes, and similar literature;—to get some idea of the varied and valuable work, in the highest sense educational, which missionaries are doing in India to-day.

5. Sir Syed Ahmad started collecting subscriptions, 1872: he won the enthusiastic support of Sir Salar Jung and the Stracheys almost from the first; the institution began with 20 students in 1875: the Viceroy laid the foundation stone on the 8th January, 1877. After forty three years of a career of expansion Sir Syed Ahmed's Anglo-Oriental College has been transformed in 1920 into the Muhammadan University, Aligarh.

and Indians working together on equal terms, and living all the twentyfour hours in intimate association with the boys and young men in residence. This institution developed by 1915 into the Hindu University, Benares, mainly through the devoted efforts of Pundit Madanmohan Malaviya and the generous support of a large number of Hindu Chiefs and merchant princes. One of its aims is to supply the highest and the most uptodate teaching in every branch of learning; thus a College of Engineering was opened in 1919, and medicine, teaching, agriculture, commerce and other subjects will be provided for in the near future. Institutions like those of the Deccan Education Society, Poona, and the schools and colleges of the Arya Samāj, in more than one province, generally accept the established courses, textbooks, examinations, rules and regulations of the education department and the university. Their aim is to extend education, rather than to create a new type of it; they charge lower fees, obtain what gifts they can from private sources, and although relying principally upon these, have no objection to grants-in-aid.[6] Their one peculiarity is a purely Indian staff, a large number of whom have patriotically pledged themselves to draw from the funds of the Society or the Institution only a living wage and to give in return the best working years of their lives. This, no doubt, makes not only for economy but also for greater devotion on the part of the teacher and greater

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6. For the Arya Samaj institutions see Lala Lajpatrai: *The A. S.*, pp. 179–210. I have coupled these and the D. E. S. institutions together merely for brevity. Of course there are profound differences also between the two. Perhaps the most important is that the Arya Samaj educationists insist far more on the formation by their students "of sound and energetic habits by a regulated mode of living" (*Op cit* p. 182); in other words, the entire life of the student in these institutions is meant to be a deliberately regulated discipline. The Dayanand Anglo-Vedic College, Lahore, began with the revered Lala Hansraj as its first Principal in 1888.

attachment between him and his pupils. But some of the best in this necessarily small band have been impelled by their patriotic feelings to divert their time and energies more or less to social work or journalism or politics. Take the most brilliant individual of the class, the late Mr. G. K. Gokhle, as an example. I do not mean to say that he should not have become a politician at all. My point is that his becoming a politician necessarily prevented him from rising to his full height as an educationist and a man of learning. Research, scholarship, teaching is a jealous mistress and brooks no rival. Perhaps, as the country settles down, the best Indian educationists will themselves realise that education as a profession is fully worthy of the uttermost devotion possible to a man. Living in the busy hum of towns and in the ebb and flow of their swirling currents, they must yet lead their own lives dedicated to their science or sciences and their sudents. The āchāryas (आचार्य) of the Arya Samāj Gurukulas (गुरुकुल) find this counsel easy to accept because they take themselves and their pupils quite out of the world of to-day to live by themselves in a world apart. And the type of education these revivalists seek to create is only a pale imitation of what they *think* was the type that prevailed in the heroic age of Ancient India. They are imitators no less than all the other Indian educationists so far described, their only distinction being that they are also visionaries led astray by their vision. The strength that Young India needs to rise to its full height in the modern world is a strength that can only be won in and through the modern world itself, and not at all by running away from it to primeval forests, musty texts, and the ideals and rituals of days gone by. The only originality so far shown by Indian educationists is in the institutions founded and patiently and reverently being built up by two men of transcendent genius, Sir Jagadish Chandra Bose and Rabindranath Tagore. Both institu-

tions are still in their foundations. And genius, of course, is a law unto itself. What one desiderates for Indian education is that Indian educationists and the *ethos* of the Indian people should begin to play upon it freely and fashion it anew; the best to be found anywhere in the world should be taken, but instead of being merely copied it should be bodied forth in living forms under the Indian sky.

Carey and Marshman reached Serampore in 1799, and began almost at once to start schools, establish a printing press, translate the Bible into the Indian vernaculars, and issue pamphlets and books. Missionary education, English vernacular and religious, was thus inaugurated.[7] Its growth was rapid. By 1815 there were twenty schools in the neighbourhood of Calcutta, and a similar number in Chinsura District. The Serampore College was opened in 1818, Dr. A. Duff's[8] institution at Calcutta, the Church of Scotland's General Assembly's Institution, in 1830. J. Carey, Dr. Carey's son, opened schools at Ajmer in 1818, and had to be reproved (1822) for introducing the Bible (Hindi translation) there as a schoolbook. In the meanwhile, parliament had passed the Charter Act of 1813, section 43 of which provided that—

> It shall be lawful for the Governor General in Council to direct that a sum not less than one lakh of rupees in each year shall be set apart and applied to the revival and improvement of literature and the encouragement of the learned natives of India, and for the introduction and promotion of a knowledge of the sciences among the inhabitants of the British territories in India; and any schools, public lectures, or other institutions, for the purposes aforesaid, which shall be founded in virtue of this Act, shall be governed by such regulations as may from time to time be made by the said Governor General in Council.

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7. Missionary schools had an ealier start in Madras. The Tanjore Resident, "seconded by the zealous exertions" of the Rev. Mr. Swartz started some schools, to which the Court of Directors made annual grants from 1787.—*H. Sharp*, pp. 3; 45; 194.

8. One of the most influential personalities in the early history of Indian Education: see, for instance, *Sir V. Chirol*, p. 209.

The most important of the regulations related to the observance of strict religious neutrality. The missionaries tried all their authority influence and ingenuity to make even the government institutions places of Christian teaching and to retain subjects like the evidences of Christianity and books like *Pilgrim's Progress* in the examinations, on the results of which scholarships and certificates were awarded and selections for government appointments were made; some of the most distinguished amongst them even argued, without much scruple, that purely secular education would be demoralising to the pupil and a serious political danger to the Company. Some of the more serious-minded amongst the servants of the Company agreed with them to the extent of holding that British rule in India must end in transforming India into a Christian country, or at any rate that it must be pronounced a failure unless that was the ultimate outcome. But even these men were resolved to keep Christian propaganda within the narrowest bounds and to exclude from the government educational institutions everything that Hindu or Moslem prejudice might suspect to have a proselytising tendency. The Bengal Government moved rather slowly at first. A School Book Society and a School Society had come into existence at Calcutta in 1817 and 1819 respectively, and government began to help them from 1821. A Committee of Public Instruction was formed in 1823. Existing institutions were to be supported and strengthened, oriental learning and European science were to be encouraged, and new institutions "for instruction in the learning of the East and of the West together"[9] were to be established as far as possible. H. H. Wilson was the first secretary; a man of inexhaustible energy, who besides his work at the mint, and as secretary of the Asiatic Society, also helped the Hindu College actively as

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9. Holt Mackenzie's Note, 17-7-1823 (*H. Sharp*, p. 60).

a teacher. This institution had come into existence in 1817 through the joint efforts of Raja Rammohan Roy, David Hare, and Sir E. H. East the Chief Justice, "to instruct the sons of Hindus in the European and Asiatic languages and sciences," but especially in English.[10] Over a lakh was subscribed to start the institution and Government inspection and aid were accepted from 1824. Another name that must be coupled with Rammohan Roy's in a history of the beginnings of English education in this country is that of Jayanarayan Ghosal of Benares, who made a donation of Rs. 20,000 and certain lands in 1814, and petitioned government to establish from the proceeds a school where English, Persian, Hindustani, and Bengali might be taught. The school was started in 1818, and seven years later the son of the founder gave to it another Rs. 20,000.[11] The Hindus, especially in Calcutta, wanted an education in English and in modern subjects, although it is not likely that many of their leaders would have endorsed Raja Rammohan Roy's condemnation of the traditional Sanskrit learning as entirely useless.[12] The Court of Directors, too, had modified their views. In 1824 they wrote—

"We apprehend that the plan of the institutions (Oriental institutions like the Madrasa, the Benares Sanskrit College and the Calcutta Sanskrit College) was fundamentally erroneous.

The great end should not have been to teach Hindu learning or Muhammadan learning, but useful learning. No doubt Hindu media or Muhammadan media would have been proper to be employed, and Hindu and Muhammadan prejudices would have needed to be consulted,

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10. This was the declared object of the founders—*H. R. James*, p. 17. It was transformed into the Presidency College, Calcutta, in 1855.

11. *Mahmud*, p. 26.

12. See his memorial to Lord Amherst, 11-12-1823. Macaulay in his well-known minute, 2-2-1835, has taken one of his illustrations from this memorial. It is unfortunate that this particular minute of Macaulay's should have obtained a celebrity out of all proportion to its intrinsic merits or historical importance. But Macaulay really did valuable work as Chairman of the Committee, see Trevelyan : *Life and Letters*, ch. 6 (pp. 98, popular edn.)

while everything which was useful in Hindu and Muhammadan literature it would have been proper to retain. In professing, on the other hand, to establish "purely oriental" seminaries, you bound yourselves to teach a great deal of what was frivolous, not a little of what was purely mischievous, and a small remainder, indeed, in which utility was in any way concerned. In the institutions which exist on a particular footing, alterations should not be introduced more rapidly than a due regard to existing interests and feelings will dictate ; at the same time that incessant endeavours should be used to supersede what is useless or worse in the present course of study, by what your better knowledge will recommend."[13]

This despatch should have decided the question as to what type of institution Government were to establish, and what subjects of study they were to encourage. But of the Committee of Public Instruction, half the members were more conservative. Modern subjects they would only "engraft" upon oriental learning; they wanted Sanskrit pundits and Muhammadan moulvis to learn modern subjects through the medium of Sanskrit and Arabic translations, and then to teach them to others through Sanskrit and Arabic. They were quite aware that this would mean very slow progress, but they were willing to wait, buoyed up by the conviction, which they held passionately, that theirs was the only right method of bringing about, in the fulness of time, a genuine and a glorious renascence in India.[14] It was against this view

13. Despatch of 18-2-1824, condensed (*Mahmud*, p. 30; *H. Sharp*, pp. 11-3).

14. See in *H. Sharp* Prinsep's Note on Macaulay's Minute, and a later Minute by P. on the same subject ; also Meredith Townsend, *Asia and Europe*, pp. 323–329; &c. Bishop Heber describes in his Journal what he saw at the Benares Sanskrit College in 1824, where the pundit illustrating an astronomy lesson by the terrestrial globe said the North Pole was Mount Meru, the tortoise was under the South Pole, &c. This was "engrafting" in actual practice, and the bishop of course wondered why such "rubbish" should be taught at a government institution. How twenty years earlier at the same College the pundits of that age deceived Captain Wilford, a zealous but rather credulous Sanskritist, might be still read at p. 172 of Hegel's Philosophy of History.

that Macaulay wrote his one-sided and rhetorical but opportune minute. The position and reputation of the author made up for what it lacked in knowledge or cogency, taste or judgment, historical breadth or philosophical depth; and Lord W. Bentinck's government decided against the Orientalists and in favour of the Anglicists by their resolution of 7-3-1835, declaring "the great object of the British Government" to be "the promotion of European literature and science among the natives of India," but also deciding that no institution of native learning in existence was to be abolished "while the people availed themselves of the advantages it afforded," and that no individual teacher or student was to suffer any loss owing to this change in the educational policy of the State.

In Bombay a Society for promoting the Education of the poor started two schools at the capital and one each at Surat, Broach and Thana in 1815. And soon after the Maratha territories were finally annexed, a Sanskrit College was opened on the 7th October 1821 at Poona, part of the Dakshina Fund of the Peshwas being assigned towards its maintenance. English classes were added from 1825, the institution was thrown open to all classes in 1837, developed into a College in another twenty years, and obtained the name of the Deccan College a little later.[15] The Bombay Native School and School Book Society was constituted in the same year as the Calcutta Committee, and on the retirement of Mountstuart Elphinstone Bombay citizens of all classes collected together a fund which amounted in a few years to over two lakhs, and requested government to accept it as a trust out of the proceeds of which three English professors of European languages arts and sciences were to be employed, to be known as the

15. *Origin of the Deccan College* by B. K. T., in the Deccan College Quarterly, Vol. I.

Elphinstone Professors. The Court of Directors recommended that the project might be enlarged into something like the Hindu College of Calcutta. This was the beginning of the Elphinstone Institution, which grew by 1856 into the Elphinstone College and the Elphinstone High School. Dr. John Wilson's school was started in 1834 and also grew into the Free General Assembly's High School and College a little later. Madras had a Committee of Public Instruction a little later than Calcutta and Bombay. Sir Thomas Munro laid stress upon improving the knowledge and increasing the numbers of teachers, and estimated that the male population of the Presidency would need twenty collectorate schools for Hindu boys and twenty for Muhammadan boys, and three hundred tahsil schools, single teacher institutions, the collectorate school teachers receiving Rs. 15 per month, and the tahsil school teachers Rs. 9 each.[16] This idea of extending primary education through the medium of the vernacular had the sympathy of the Directors as had the similar Bombay plan of having a vernacular school first in each principal town and sudder station, and later on in the *kasbas* and larger villages.[17] But they pointed out to the Madras Government the more immediate need of and the far greater benefits to the people likely to accrue from institutions devoted principally to higher branches of knowledge, that might moreover begin immediately to supply an increasing "body of natives qualified to take a larger share and occupy higher situations in the civil administration. The measures for native education which have as yet been adopted or planned at your Presidency, have had no tendency to produce such persons."[18] The central school for the training of teachers was accordingly turned into a High School in 1841 and grew later into the Presidency College. Pachaiyappas' institu-

16 *Minute*, 10-2-1826.

17. Despatch, 18-2-1829.

18. Despatch, 29-9-1830.

tion was also started in 1841 out of an old endowment and developed into a college. St. Peter's College at Tanjore goes back historically to Swartz's school at that place mentioned above. And a school started by Mr. Anderson in 1837 developed into the Madras Christian College and the Church of Scotland Missionary Institution.

The comparative backwardness of Bombay and even of Madras did not retard the development of educational policy. The Charter Act of 1833 increased the annual grant of Rs. one lakh to £ one lakh. Act XXIX of 1837 abolished Persian as the court language, Lord Hardinge declared, as noted in an earlier chapter, that in the selection of Natives, under the Charter Act of 1833, for public employment, "preference shall be given' according to "degree of merit and attainment," and the Council of Education found so many hundreds pressing for English education at the new institutions and acquiring such high proficiency therein, that the President proposed a central University at Calcutta, "armed with the powers of granting degrees in Arts, Science, Law, Medicine and Civil Engineering," and endowed with such privileges as were enjoyed by "the recently established University of London."[19] A system of Primary Education had also been created and actually established over an entire province by Mr. Thomason while he was Lieutenant Governor of the N. W. P. from 1843 to 1853.[20]

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18. Despatch, 29-9-1830.

19. In his petition to parliament (30-11-1852) Mr. Cameron also asked for a covenanted Education Service and "that one or more establishments may be created at which the native youth of India may receive in England, without prejudice to their caste or religious feelings, such a secular education as may qualify them for admission into the Civil and Medical services of the East India Company" (*Mahmud*, p 82). If the second suggestion had been adopted, and if the Indian College or Colleges in England had succeeded in regularly supplying a number of Indians to the civil and other services from the beginning, this single factor might have completely altered the whole history of British India during the last seventy years.

20. Lord Dalhousie stated in 1856 that these N. W. P. schools then numbered 3669—A Mills: *India in 1858*, p. 169. The idea of a land cess to finance primary education originated with Thomason. For a brief account of these schools see A. Howell : *Ed. in Br. India prior to 1854 and in 1870-1*, pp. 48-9.

Thus the ground was prepared by half a century of experiments failures and advances, and the hour had come for consolidating the results, and tying up the types and ideas of proved utility into a graduated system. This was accomplished by Sir Charles Wood's despatch of the nineteenth July, 1854. The Committees and Councils of education were to be replaced by an Education Department at each presidency under a single head. Universities were to be established for each of the presidencies. Government Colleges, High Schools, Middle Schools and Primary Schools were to be systematically increased. The vernaculars were to be the media of instruction in the primary and lower branches. Scholarships were to be multiplied and spread over the entire field in such a manner as to enable talent to ascend the ladder of education up to the highest institutions. Central training colleges were to provide trained teachers to institutions of every grade. The institutions of private persons or bodies, including missionaries, were to receive grants-in-aid, provided that they were under efficient management, gave a good secular education, charged fees, however small, and accepted Government inspection. Female education, recently started by Lord Dalhousie at Calcutta, was to receive "the frank and cordial support of Government as it would impart a far greater proportional impulse to the educational and moral tone of the people than the education of men."[21] And, finally, the spread of education was to be pushed on by government officers in every district taking an active and continuous interest in the institutions within their charge.

Syed Mahmud: History of English Education in India, chs 1—17.

H. Sharp: Selections from Educational Records, Pt. I.

H. R. James: Education and Statesmanship in India, chs 1—6.

J. Ramsay Macdonald: Government of India, ch. 13.

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21. *Gazetteer* IV p 431.

§ 59. *Education, 1854 to 1919.* The history of Indian Education from 1854 onwards need not be noticed in detail. It took the government and non-missionary agencies some years to overtake and leave behind the missionary institutions in the number of students they educated; but the missionaries have all along followed the policy of breaking new ground, they have led the way in virgin areas and unworked layers of the population and new types of educational endeavour, so that the mere statistics cannot do justice to the character and magnitude of their service. Many of the new individuals they educated and humanised were not merely so many units added to the total; they were new candles lit in masses of darkness which light had never before invaded. The education departments each under a Director of Public Instruction with Professors of Colleges, Head Masters of High Schools, Inspectors of schools, and subordinates, were organised all over British India in about twelve years. The Universities of Calcutta, Bombay and Madras were constituted in 1857,[1] Colleges were opened at Dehli and Lahore in 1864, an Anjuman-i-Punjab was formed the next year, and the Punjab University was incorporated by Act XIX of 1882 (October 5th), which recognised study and examination in certain branches through the medium of Arabic, Persian, and Sanskrit, and granted to such students suitable degrees corresponding to the B. A. and M. A. of the ordinary courses, in which study and examination were through English, as in the older universities. The Allahabad University followed five years later (September 23rd, Act XVIII of 1887). The advance in primary education was very slow at first. The despatch of 1859 recognised that private effort was not likely to do much in this section of the field, and a cess on the land to be collected along with the land-revenue and expended on primary schools in the locality, was recommended.[2]

1. Acts II (Calcutta, January 24th), XII (July 18th, Bombay), and XXVII (September 9th, Madras) of 1857.
2. Moral and Material Progress Report, 1882-3, p 318.

Acts authorising such land cesses in aid of primary education were in consequence passed during the sixties, and from the seventies onwards with the growth of the municipalities and district boards, the provision of primary institutions in town and village was one of the important functions handed over to them. The number of pupils in these schools increased from two lakhs in 1860 to five and one-sixth lakhs in 1870 and to over twentyone lakhs and a half in 1881. Out of these as well as all later primary schools figures a serious deduction has unfortunately always to be made, for seventyfive per cent or more are always in the two lowest classes who do not go higher at all, and at least one half of these relapse into illiteracy soon after leaving the schools to which they never took very kindly even while there.[3] Two other factors have also to be borne in mind in order that this increase, such as it was, can be viewed in a proper perspective; the first is the growth of the population, and the second is the rapid decline and almost entire destruction of the indigenous schools, tols, makhtabs, &c., which had been in existence in numbers upto 1860 and were fast disappearing by 1880. The progress in secondary education was more substantial. The numbers attending these institutions grew from twenty-three thousand in 1860 to two lakhs and six thousand in 1870, and sixteen thousand were added to the total by 1880. Nor should it be supposed that here too the wastage was high. Wastage there always is and always will be in every system of education, but the boys–or rather men[4]—who left at vari-

3. Seventh Quinquennial Review of the Progress of Education in India (1912–17), p 122; "a large percentage of parents value the school mainly as a creche..."—*Diarchy*, p. 298; &c.

4, The average of age in the various high school classes was high in the beginning and fell only slowly. Even upto 1880–5 there were men of over thirty joining the Entrance Class of High Schools; men who had left off school and worked in some department until they could get a year's leave to try and pass the Entrance Examination, so that they could rejoin with improved prospects,

ous stages without finishing the course and passing through the gateway of the entrance examination into colleges, also proved themselves in later life fairly able to perform the work they found to their hand in the educational, judicial, revenue, public works, post, railways and other departments, or as lawyers, or in various other walks of life. There was a growing demand for intelligent reliable and plodding men with some knowledge of English which they could improve according to their opportunities, and many of those who left their school course unfinished did so because they happened to see openings which they were glad to seize. We must not judge of the period upto 1880 by what we have seen in the later decades. Even more valuable was the progress in Collegiate Education. From 1857 to 1881 the universities passed out 3,284 B. A.'s and 536 M. A.'s[5] Calcutta led, Madras had shot ahead of Bombay, and the other provinces were left far behind. The quality too was far from uniform. The Calcutta and Madras Colleges had already begun to suffer from the evil of congestion, nor does it appear that they had succeeded in securing such a large proportion of vivifying personalities on their staff in succession as had the Bombay Colleges. But whatever the relative differences between the provinces and the universities, differences difficult to estimate, these graduates as a whole rendered invaluable services to the country during their generation. The advance in vernacular literatures and Indian journalism, the initiation of social reform and the creation of an intellectual atmosphere in which integrity and a sense of public duty were assigned a higher place than in the degraded traditions inherited from the downfall of the Mogul Empire, the habit of collective political action on constitutional lines, the creation and development of All-India conferences, in one word, much of what we mean by the modern progress of India

5. Moral and Mat. Progress Report, 1882-3, p 329.

during the last quarter of the nineteenth century, was the handiwork of this small body of men. The ideals seen from afar by Raja Rammohan Roy's generation, this second generation of Indian patriots brought by their exertions and sacrifices within the range of practical endeavour, and they were in turn the begetters of the third generation of nationalists, irreconcileables, and anarchists.

At the beginning of the next twentyfive years of our educational history stands the Education Commission appointed by Lord Ripon, with Sir W. W. Hunter as president. The recommendations of the Commission have been variously judged. We now see that their contemporaries expected too much from them, that it was a mistake to appoint a large ostentatious commission whose labours and inquiries were only limited to a part of the entire field of education, and that their recommendations, such as they were, were not fully carried out anywhere, or uniformly in all the provinces. They saw the congestion already beginning in colleges and high schools. They saw that high school education had not sufficiently advanced in the last decade. They could not help noticing that the quality too was falling off. Nor were the funds available for education unlimited. In fact, the fat years were gone, the lean years were upon us, the army needed additions, the services needed better pay and larger numbers, and the fall in silver meant a drain growing at an enormous rate. Any increase in the education budget at a rate higher than in the past was quite out of the question. What then was the best possible distribution of the funds likely to be available? This was the further limitation, not set down in so many words but not the less clearly recognised, of the Commission's inquiry. Nor was this all. The minds of the ruling aristocracy who alone were responsible for India and who held India in the hollow of their hands, were also made up on two other fundamentals. The first was that primary education must be extended much more

quickly. What they felt most keenly was that the poor beast of an agriculturist must be made a man of somehow, that he must be saved from the wily moneylender and not allowed to fall into the hands of the not less wily lawyer. Indians might not relish this way of putting it, but the elevation of the ryot is undoubtedly a worthy object, and it is also obvious that not much can be accomplished in this direction without a proper system of primary education spread all over the land as quickly as possible, by means of teachers, male and female, properly trained for their difficult job of winning the maximum of results in the minimum of time. The other fundamental as to which the ruling aristocracy were also unanimous was that the colleges and high schools already in existence needed a much larger leaven of Englishmen, and moreover the Englishmen already there had reasons to be dissatisfied with their pay and status, so that every Englishman in the department was going to cost much more than in the past.[6] Thus the changes in policy resulting from the

6. The problem was not confined to the education department. The Civil Service had the same difficulty with all the other departments also. A small aristocracy, an exclusive caste, must have perfect equality amongst its own members; but on the other hand an administrative system must have a hierarchy of departments and further gradations of status and emoluments within each department. It is on this rock that aristocracies, however strong and well-knit, have always split. They have always fought hard, fought inch by inch, and delayed the day of their extinction by every conceivable device. Exchange compensation allowance, and a rearrangement of the departments into three grades instead of two—imperial, provincial, and subordinate, instead of superior and inferior—were the devices adopted, though it must be admitted to their credit, with great reluctance. But this did not solve the problem of placating the Englishman outside the charmed circle of the civil service, and it created the worse problem of placing the Indian, however deserving, lower than every Englishman. Indians in the superior posts went on increasing; their qualifications went on improving. Indians with English University qualifications went on multiplying. These last the Englishmen would not have as their equals in the imperial services, they themselves did not care to be in the provincial services and be the inferiors of many Englishmen who were not their equals in qualifications, and thus the system broke down at length. The Islington Commission and the Montagu-Chelmsford Report registered this breakdown and made suggestions for the future, more or less liberal, which are in the course of being carried out.—For the education department in particular see the discussion in *Sir V. Chirol*, p. 233 and *H. R. James*, pp, 115-7. It is curious to note how both authors see the impossibility of equalising the status and emoluments of professors and civilians, and yet seek some undiscoverable method by which they could nevertheless be equalised. The professor worth his salt has his own status in literature, in learning, in the estimate of his students, and in the joyful absorption of congenial pursuits. The professor, on the other hand, who falls between the two stools of the professorial 'chair' and 'society,' has simply missed his vocation, and whatever his pay has no status whatsoever.

Commission and their Report can be summed up very briefly. (1) Government undertook to extend primary education as quickly as possible and to treat it as having the first claim upon such resources as were available for education. (2) Such Government high schools and colleges as were already in existence were to be maintained with improved staff and equipment as model institutions. (3) But the extension of these superior grades of education was to be left more and more to private enterprise. It was even hoped that self-help would develop amongst the people to such an extent that some of the government institutions might themselves come to be handed over to private management, at least in some localities, without any loss to education. (4) Government inspection and advice were to continue, and self-help amongst the people in educational matters was to be fostered by more liberal grants-in-aid, on principles reducing government interference and influence to a minimum. It followed that the efficiency of these institutions and the amount of their grant were to be measured by independent standards, and this necessarily led to a system of payment by results. (5) Lastly, the increasing congestion in colleges was sought to be remedied by a new examination at the end of the high school course, in which there were some subjects of practical rather than academical value. It was also felt that university education was too high an aim for the great majority of high school boys, that too many academics were not a gain to the country either, and that the high schools should themselves fit the mass of average students for life[7] rather than for at least four years more in the pursuit of a degree. It was argued that the colleges and high schools would themselves gain considerably by

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7. The discussion as to the moral value of the school, how it was to be improved and intensified, &c., thus began in all its ramifications at the Commission, they reported upon it at length, and it has gone on and on and on ever since: no reason, too, why it ever should come to an end.

being relieved in this manner of crowds who were there merely as the helpless victims of a faulty system, which provided no alternative courses either for training the faculties or for bettering one's status and prospects in life. These views and aims were perfectly sound, and if a system of agricultural, technical and commercial education had been evolved providing alternatives suited to local requirements for the last two or three years of the high school course, after a period of struggle which every new departure has necessarily to face until people see the results for themselves and appreciate their value, the successful types of such institutions could have been spread wherever wanted, and private enterprise would have supplemented state action by creating similar institutions with further local adaptations. Moreover, if such institutions had come into existence in the eighties, the following decades of increasing economic stringency and unrest were just the period during which they could have grown to their full stature, and our entire system of education could have been purged of its over-literary and unpractical character, a defect of which the seriousness is to be judged in proportion to the poverty and educational traditions of a country. But the opportunity was missed. Only a new examination was instituted; no proper arrangements were made for a long time even to prepare the students for the new subjects; and the creation of new types of high schools as alternatives to the literary type first in the field, is a problem no easier of solution to-day than when it should first have been tackled.

During the last two decades of the nineteenth century the students in primary schools increased from nearly twentytwo lakhs in 1881 to a little over thirtytwo lakhs in 1901; out of these the students in the upper division or the last two classes of the schools were only four and six lakhs respectively. The number of students in public secondary schools increased from 222000 to a little under

623000; that in Arts, Oriental, and Professional Colleges from a little under 7600 to over thrice the number or 23000; and the total public expenditure on education rose from a little under Rs. 1·9 crores in 1881 to a little over Rs. 4 crores in the latter year. The advance in primary education was not at all satisfactory. The rate of increase improved only slightly during the next decade, and it was with the object of bringing public opinion to bear upon government and thus forcing the pace rather than with any hope of immediate success that G. K. Gokhle proposed in 1910 to the recently reformed Imperial Legislative Council that a Commission be appointed to frame a definite scheme for making a beginning in the direction of making elementary education free and compulsory in British India. And he followed this up the next year by his Elementary Education Bill. Mr. Orange had remarked in his Fifth Quinquennial Review (1902–1906) that on the assumption that there were no increase in the population, "even at the rate of increase that had taken place in the last five years, several generations would elapse before all the boys of school-age were in school." Gokhle quoted this and the experience of every country that ignorance and illiteracy it was altogether impossible to remove without compulsion, and he also cited the recommendation of the Hunter Commission that "an attempt be made to secure the fullest possible provision for an expansion of primary education by legislation suited to the circumstances of each province." He calculated, on the basis of a four years' course, that about one-fourth of the boys of school-age were in school already, and as the cost was over a crore and one-third, the total cost of bringing every boy into school would be approximately Rs. five crores and a half. Making another calculation at the rate of Rs. five per boy, he showed on the census figures for 1911, that with every

one of the 12½ million boys of school-age at school, the cost could not exceed Rs. six crores and a quarter. But he wanted to spread the advance over a number of years and it was an integral part of his scheme that a third of the burden was to be borne, as in Scotland, by local bodies. To make a beginning at once in selected areas, i. e. areas already having one-third or more of the boys of school-age at school—the proportion to be fixed by the Government of India; to leave the initiative to the local bodies; and to arm the local government with the power of restraining such of them as were over-zealous;-these were the fundamental ideas of Gokhle's scheme.[8] The discussion thus raised and the definite demand thus made, had the rare merit, like some other demands of Gokhle's, of being in the nick of time. The resolution he proposed was followed by the elevation of Education into a principal charge for a member of the Viceroy's Executive Council; the introduction of his Bill was followed by H. I. M. George V's visit to India, and in the Royal grants announced at the Dehli Durbar the pride of place was accorded to primary education:

"Humbly and dutifully submissive to His Most Gracious Majesty's will and pleasure, the Government of India have resolved, with the approval of His Imperial Majesty's Secretary of State, to acknowledge the predominant claims of educational advancement on the resources of the Indian Empire, and have decided in recognition of a very commendable demand to set themselves to making education in India as accessible and wide as possible. With this purpose they propose to devote at once fifty lakhs to the promotion of truly popular education, and it is the firm intention of Government to add to the grant now announced further grants in future years on a generous scale."[9]

8. *Speeches* pp. 699-804.

The improvement in teachers, their pay and training, in schools, and in the number of institutions and of students, advanced at a brisker pace with the steady expansion of the budget provision for primary education. Gokhle had taken the rate of increase in the number of boys and girls at school at 92000 per year for the first ten years of the century, and at 120,000 boys per year for the latter half of the period.[10] The accelerated increase during the seven years before thc Great War was at the rate of 192,000 per year;[11] and the acceleration has been fairly maintained since, though not uniformly in all provinces. Most important of all, one province after another has been making primary education for boys compulsory by legislation, mainly on the lines chalked out in such a masterly manner by Gokhle's forethought. An argument in favour of compulsion that no one thought of during the discussions sketched above is now receiving its due weight: the bulk of the pupils never advance beyond the lower primary stage, and naturally relapse into illiteracy soon after leaving school; the only way to make their literacy permanent is to keep them at school, by legislation, for at least four years, otherwise all the effort expended upon them is as good as lost to the country. The Primary Education Acts in Bombay, the Punjab, Bengal, U. P., and Behar and Orissa came into effect between February 1918 and February 1919, the C. P. and Madras Acts are more recent. The Bombay and U. P. Acts apply to municipalities only, while the others apply to district boards also.[12] The main diffi-

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9. *Ilbert*, p 468. Gokhle had argued that his proposals only meant a continuous annual addition of 40 lakhs (*Speeches* p 774). The Government had to do better than that since they had argued—better teachers, better schools, better type of education first, then compulsion; Rs. 5 per head, moreover, a serious underestimate; it would be nearer Rs. 10 than Rs. 5; &c.

10. *Speeches*, pp 764 and 803.

11. *Indian Education in 1915-16* (Bureau of Education Annual Publication), p 15.

12. *India Education in 1919-90*, pp. 11–13; *India in 1920*, pp. 164–170. The Punjab, Behar and Orissa and Bengal Acts apply only to boys

culties to a rapid advance appear to be three. I The financial difficulty. It is not necessary to add anything on this point to what has been said already. II Really competent teachers for boys' schools, girls' schools, and for whatever devices might be employed for adult education. What emoluments they should be given so that men and women of the right stamp would be attracted in sufficient numbers and make the occupation a labour of love for life, is a part of the first or the financial difficulty. But what large numbers are needed and how serious the deficit is at present, may be seen from the following brief statement about U. P. :—

Vernacular Boy's Schools : Demand.—The teachers numbered (1917) 24,000; 11,000 trained. Wastage due to death, retirement etc., annually 1400. To provide for expansion, 1000 new teachers would be annually required. The annual demand thus =2400.

Supply.—At present 300 from Normal Schools and 1630 from Training Classes.

Vernacular Girls' Schools: Demand.—The teachers numbered (1917) 1,896; 240 trained. Wastage higher than in the case of men. To replace wastage, 190 would be annually required.

Supply.—At present total enrolment in training classes, 150; the number who passed the final (second year's) examination, 35 only[13].

III The remaining difficulty is the creation of a really suitable type of school and curriculum for village populations. It almost looks as if we might not succeed if we make educating the boy and the girl of school-age the main line of advance. Adult education, night-schools, festival and *mela* schools and demonstrations and lectures, periodical schools with concentrated work for six to nine weeks during the seasons of slack work, vocational schools with the three R's thrown in, wherever tried with proper equipment and by competent energetic and zealous agents, have not only scored an immediate success, but have also shown capabilities far in excess of the concrete results actually attained. And they yield this further gain also—every adult man and woman thus educated

13. *Dyarchy*, p. 313 condensed.

would be with us and not against us in our efforts to educate his and her children. The best of them might moreover help the local primary schools as volunteers, in selected cases after a course of intensive training; and the variations we want to introduce into the city type of primary school in order to adapt it better to village conditions, can only be gradually worked out in this manner, by united and co-operative national efforts. As long as we persist instead in trying to impose them from above by the fiat of an all-wise department, education cannot enter into and transform the life of the masses, even though the proportion of literacy might go on improving.

To pass on to secondary and collegiate education. The increase in government expenditure on these heads during the last two decades of the last century was mostly on the staff, especially the English staff, the number and emoluments of the Indian staff were also improved to some extent from 1896 onwards, and on stone and mortar, i. e., buildings. I may here insert an anecdote. When Lord Harris was retiring (1895), his friends and admirers had a meeting in Bombay, where laudatory speeches were made, Sir Ramkrishna Bhandarkar was one of the orators, and he showed statistically that the Bombay Government had done more for education under Lord Harris than under his immediate predecessor, Lord Reay. I asked a prominent educationist, an Englishman, to rede me the riddle. He said at once, "Don't you know? Stone and mortar! Sites and playgrounds and buildings!" And he recited in chronological order Lord Harris' principal grants to various institutions, with the money-value of each.

With the policy of encouraging private enterprize recommended by the Hunter Commission, the increase in the numbers of the students meant growing congestion in the government institutions, and a multiplication of private institutions, amongst which proprietary high

schools and colleges without any independent endowments, seeking only to make a profit out of fee-receipts, steadily increased, especially in the larger cities. The youths attending these institutions, flocking into the central cities from the mofussil, lived anyhow in surroundings highly injurious to health and habits.[14] The Government or the education department had nothing to do with institutions which did not want grants; the University Senates had no powers of or machinery for inspection; and moreover, they too grew more and more unwieldy, unbusinesslike, unacademical. The evils grew fastest and manifested their worst aspects in Bengal,[15] but there is no doubt whatever that the quality of the education suffered, and the product turned out was distinctly inferior, intellectually and morally, in Madras and Bombay also. Crude ideas, shallowness of mind, ill-regulated characters, and 'failed B. A.'s' who could get no employment simply because they really were "unemployable"[16] were not the monopoly of Calcutta alone, though of course the evil there was of longer growth and far larger proportions. By 1902 there were nearly 1400 private institutions in Bengal, high schools and middle schools struggling to reach the coveted status of high schools, more than a third of the number receiving no grant from government. The salaries of the teachers ranged from Rs. 5 to Rs. 78, nor could their regular payment be always depended on. The number of college students in Bengal rose from 3,827 in 1882 to 8150 in 1902, and government institutions contributed less than a fourth of the latter total, while un-aided institutions were responsible for over 4500. Any improvement of the system necessarily required a certain amount of pulling down, and this Indian opinion resented.

14. See, for instance, Dr. Garfield Williams' account cited in *Indian Unrest* at pp 217-219.

15. Sir M. Sadler (Calcutta University) Commission *Report*, ch 3 §§ 38-61.

16. *Indian Unrest*, p 225.

Nor did Lord Curzon realize—his very nature made it impossible for him to see—that to strive for a minimum of friction, heat and opposition, was in itself one of the highest aims of statesmanship. The Indian Universities Commission, 1902, inspired to some extent by the reconstruction of the University of London in 1898, advised that Indian universities be made teaching bodies, their senates and syndicates be improved and strengthened, principals and professors be given greater weight in their counsels, that better equipment, staff, buildings, hostels and funds be insisted upon before any new institution was affiliated, and that affiliated institutions be inspected from time to time, and the level of efficiency throughout the jurisdiction of the university be raised in that manner, as also by the government strengthening its own model colleges, and the university improving its courses and its examinations. The Indian Universities Act (Act VIII of 1904, March 24th) followed, the rules and regulations of the universities were recast during the next two years, and government granted Rs. five lakhs per year for five years for the improvement of colleges and universities. Larger grants followed, private munificence nobly seconded public efforts, and the fears widely entertained during the heat of the discussions from 1901 to 1905 that the sacrifice in quantity was certain the gain in quality very doubtful, were soon dissipated. The number of students in Arts and professional colleges increased from over twentyfive thousand (including less than three hundred women) in 1906, to nearly sixtysix thousand (including over twelve hundred women) in 1919. New universities came into existence at Mysore (1916), Patna (1917), and Dacca (1920), the Hindu University, Benares (1915), and the Moslem University, Aligarh (1920), have been already mentioned, and universities at Rangoon, Nagpur, Lucknow and Dehli are also certain to be incorporated in the near future. Looking at the subject as a whole, Indian educa-

tion to-day needs rapid advances in the following directions. I The education of girls and women. Indian womanhood is not only uneducated, it is still living, so to say, in the Middle Ages. The higher deathrate of women within the child-bearing age-limits is itself an evil, the gravity of which cannot be exaggerated. Indian culture is dying, Indian family life is disintegrating, in and through the untimely death of mothers in cities and villages all over the land. Whatever other remedies are necessary and practicable, education is the one panacea, since the effectiveness of all the other remedies will depend upon the intelligent co-operation of the women themselves. II The education of Muhammadans. The backwardness of Muhammadans in education upto about 1870 has been noticed and to some extent accounted for in the last section. "Pride of race, a memory of bygone superiority, religious fears, and a not unnatural attachment to the learning of Islam,"[17] are the causes mentioned by Syed Mahmud. To these should be added the Mutiny and its after-math. In 1871 the percentage of Muhammadans to the total numbers at school and college was 14·5. It did not come up to 23·5—the percentage of Muhammadans in the total population of British India—upto 1917. Their backwardness in higher education has had very serious consequences indeed, not only to themselves, but to Indian progress as a whole. Rammohun Roy, Keshab Chandra Sen, Swami Vivekanand, Rabindranath Tagore, Sir Jagadish Chandra Bose, Sir P. C. Roy, Dr. Brijendra Nath Seal, Sarat Chandra Das, Aurobind Ghosh the mystic, Pundit Bhagwanlal Indraji, Sir Ramkrishna Bhandarkar, Prof. Jadunath Sarkar, M.K. Gandhi—the spirit of rebel-

17. P. 148. What the attitude of at least a section of the leading Muhammadans was towards the British Government even upto 1883'-4 might be gathered from W. S. Blunt: *India under Ripon*, although the warm nature of the writer compels one to infer a certain amount of unconscious exaggeration.

lion incarnate, spiritually hurling the individual conscience at the heart of the modern state, asking ruler and ruled alike to repent and expiate :—these are all Hindu names; where are the corresponding names of Muhammadans who have won a European reputation? Or, confining ourselves to Indian reputations, have the Muhammadans borne one-fifth of the burden of advance in politics and journalism, religious purification and social reform, literature education and science, industry and trade, which it is their right to claim and their privilege to undertake? What is their position in the learned professions, or even in government and semi-government employment, in spite of every effort on the part of those in authority to give them preferential treatment? What is their position even in Muhammadan Native States? Syed Mahmud calculated that from 1858 to 1893 the Hindu and Muhammadan graduates numbered in Arts—9715 and 399, in law—3537 and 110, in medicine—1239 and 34, and in engineering—590 and 3, total 15,081 and 546 respectively.[18] The Muhammadans have considerably improved their relative position in higher education since, but they still have a long distance to make up. Of the total number of nearly 66,000 students in Arts and professional colleges in 1919, only 7345 were Muhammadans,[19] or only one-ninth, whereas they ought to have come up to one-fifth. III Far more provision is necessary than is as yet available for higher education in Medicine, Engineering, Agriculture, and the applied branches of science which yield experts for industries and mining. IV Such facilities for higher education as have so far been created fall short of the highest stages. For every further advance we have to import "experts" from outside India. One assumption underlying all our institutions and endeavours appears to

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18. P. 185. The author studies the subject exhaustively, giving elaborate tables and diagrams.

19. *Indian Education in 1919-20.*

be that "Indian" necessarily means "secondrate." A selfsufficing system of education right up to the highest stages ought to be our aim. Foreigners would now and then have to be imported, no doubt; but we too should learn to stand upon our own legs and import them, as France or America might import them, for very exceptional purposes and limited periods, and such men only as have won a more than local reputation. V Our whole system of education is too English, too imitatively, too slavishly English. English degrees are prized higher, far higher, than they are really worth; English traditions, English conventions have here an exchange value higher even than in England, or the Colonies. India will never rise to her proper place in the scale of nations and in world-thought until we pass on from English to European civilization, until leaving Oxford and Cambridge behind, we get into living touch with other great centres of European thought also. France and Germany seem as though designed, "whether by nature or by the unconscious hand of political history, to be half-willing half-reluctant complements to each other and to England. English common sense, French lucidity, German idealism; English liberty, French equality, German organisation; English breadth, French exactitude, German detail"; [20] now that we have Indian Ministers of Education, one hopes that in Indian education and Indian university life these various rays will be blended together by Indian selection. VI Perhaps the most urgent educational problem today is the reform of the High School. The literary type of high school has proved incapable of sustaining its own burden. The average boy it sends on to the university is found below the mark in knowledge of English, in general knowledge, and for the freer undergraduate life to which he is

20 *Unity of Western Civilization* (ed. F. S. Marvin), p 170. The course of lectures, be it noted, was delivered in August 1915, i. e. after the Great War had broken out.

introduced at college; and the efficiency of the college and the university suffers. And, as has been already remarked, high schools dealing with agricultural, technical, industrial, and practical subjects have to be created, exceeding in numbers the literary high schools already in existence and taking away from them more than half their students. It is only as we succeed in solving the problem at this stage, that we shall be able to take arts and crafts lower down to the primary stage at one end, and higher up to the university stage at the other end. VII The place of the vernacular and of Indian cultuie subjects in our system of education is exciting more and more comment and heated partisanship. It is the inevitable consequence of the growth of nationalism. Tell the Maratha that his *modi* (मोडी) script is an example of cumulative degradation or devolution; he will not listen. You might as well try to explain the matter to a tree. Tell him that the neighbouring Gujrati (गुजराती) script is an example of cumulative improvement or evolution, and he will be interested. But ask him to exchange the degraded *modi* and the petrified Devanāgari (देवनागरी) for the living and beautiful Gujrati script, and he will take you for a lunatic. That is nationalism. One of the great difficulties in the upward march of India is that the language, literature and script claiming by birth the largest number of adherents in North India, are so hopelessly inferior to the languages, literatures, and scripts surrounding them.[21] Neither

21. It is quite legitimate to seek to extend the use of Hindi—Urdu merely as a *boli* (बोली) for ordinary purposes of commercial and other intercourse. But to teach it to boys and girls in the non-Hindi provinces in schools where every hour of the time-table is so important, is to deprive the vernacular or English of so much valuable time. Hindi and Urdu again differ from each other in more than the script. The U. P. after a long controversy have had to give up the use of common readers in schools, printed in Devanagari script for the Hindu children and Urdu script for the Muhammadan; since 1914, such readers are used only upto the vernacular standard III. See the whole question fully discussed in *Dyarchy*, pp 308-311, 323-5.

Bengali, nor Marathi, nor Gujrati will yield to Hindi. Nor will the Dravidian languages of the South to any language, literature, and script of the North. Nor will the Muhammadan yield his Urdu or hotchpotch script, language and literature to one of Hindu origin and associations. The lesson Indian nationalists have to learn is that nationalism logically and fanatically followed can only break up India. Nationalism, moreover, has no solution for key areas like the premier cities of Bombay, Calcutta, Madras, Rangoon, Karachi, Dehli, Ajmer, and Benares; places where the populations in their lakhs are and always will be inextricably mixed up. Nationalism as such has no solution either for the frontier. Indian patriotism has to transcend nationalism or it cannot build up or sustain a United India. Uniform education, through the medium of the English language in its higher stages, is more important than a nationalist education, at least during the period of transition. Modern education is more important than an Indian education, at least during the period of transition. It is to be hoped that Indian nationalisms will prove themselves sane enough to realise the inestimable value of the moral bond that a uniform modern education all over India can furnish, making for unity and harmonious growth.

Syed Mahmud: History of English Education in India.

H. R. James: Education and Statemanship in India.

Sir V. Chirol: Indian Unrest, chs 17–21.

Quinquennial Reviews of the Progress of Education in India (Sir A Croft, 1881–6; A. M. Nash, '87–'91: J. S. Cotton, '92–'96; R. Nathan, 1897–190I; H. W. Orange, 1902–'06; H. Sharp, the last two).

Indian Education, a brief annual narrative from 1913; there was no issue for 1916–17.

§ 60. *Nationalists, Irreconcilables, Anarchists.* While railways reduced distances, lessened the time and trouble of travelling, and making it quite an ordinary thing for the average man to go by himself frequently from one part of India to another, broke down geographical barriers, and unified the country in a physical sense, the uniform education in high and higher institutions gave an intellectual and spiritual unity to the higher classes throughout the country in a few decades. A common medium of intercourse, common ideas and tastes and mental habits, a widening outlook, an emancipation of the mind, a release of the will, an elevation of aspirations, were produced, and hundreds of fresh young minds scattered all over a vast area began nevertheless to respond to the novel influence in ways the essential uniformity of which was wonderful to behold. The first effect of the shock almost everywhere was denationalisation. The child of cast-iron custom threw off his fetters and revelled in his new-found liberty, overstepping the bounds which separate true beneficial liberty from pernicious license. But this was soon followed by a more reflective stage. Chandra Shekhar Deb asked Rammohan Roy, "one Sunday evening as they were returning home from prayers: 'Diwanji, we now go to a house of worship where a foreigner officiates. Should we not have a place where we might meet and worship God in our own way?'"[1] Thus was the Brahmo Samaj born. Michael Madhusudan Datta wrote his first poems in English; but deeper instincts prevailed, and the prodigal son returned to the Mother-Tongue: a history that has repeated itself since in quite a number of cases. It should also be remembered that the world as a whole was shrinking up as well as India and that events in any part of the world and thought-currents starting anywhere produced their effects more quickly and more fully in many countries and in more than one continent than in any previous

1. Sir R. Lethbridge: *Life of Ramtanu Lahiri*, p 71.

century. The educated classes in India participated in this world-wide awakening. It was not our government alone which borrowed currency ideas from one European country or press laws from another. Our younger irreconcilables, too, got into touch with the literature of Italian secret societies, Russian anarchists, Hungarian obstructionists, and Egyptian Kemalists. That, however, was much later. To understand the beginnings of nationalism in India we have to grasp first of all two leading features of the time. The ninteenth century in European history is the century of nationalism. It is also the century in which European scholars studied Sanskrit, created the sciences of comparative philology, comparative mythology, and comparative religion, and elevated the Indo-Aryan race and their sacred prehistoric tongue to the same high pedestal as the ancient Greek and Latin. Perhaps the leading dates to remember in this movement of world-thought are—Sir Williams Jones settled the date of Chandragupta in 1793; Max Muller published the first volume of the Rig Veda in 1849 and the first volumes of the Sacred Books of the East in 1879; and at the first world-parliament of religions at Chicago in 1895, Swami Vivekananda asserted the claim of the Indian Sage to be the religious Guru (गुरु) of humanity. What had long been a household saying known throughout Hindu-sthan that while there were many incarnations of the Deity all except one were partial manifestations, one alone was Perfection, he applied there to all historical religions, claiming that the Indian Vedanta was the only perfect manifestation of the spirit of humanity in its quest of the Holy Grail. It was a claim no Indian had advanced outside India for fourteen hundred years or more; yet the spiritual elevation of the individual who thus put it forth won intuitive conviction in a few, making them his disciples in faith. The birth of the Arya Samaj (1877) and of Theosophy (1878) should also be noted as events falling in the same class.

Nationalism as an active principle in the communal consciousness implies a background in religious faith and a sense of dignity and selfrespect. How these arose we have just seen. But nationalism manifests itself principally in political activity such as constitutional agitation, nonviolent but irreconcilable opposition, immoral murder and conspiracy, rebellion, and war. Dadabhai Naoroji was, by common consent, the father of political agitation in India. To appeal from the facts of the administration to the principles embodied in parliamentary legislation, from officialdom in India to the English public and its innate sense of justice, from the autocracy here to the spirit of liberty and progress inherent in English history, to define the grievances, to petition, to establish political associations and train them up in creating a public opinion here and in carrying its moderate and reasoned demands through the regular channels to the highest court of appeal, to start a discussion on public grounds and to keep it up as a public activity, that was the sphere of public service to which he gave with his whole heart animated by perfect faith, more years of continuous persevering labour than any one else of his generation. He was a pioneer, and no pioneer can be judged in history merely by results. Or, rather, the following he wins, the disciples he makes, the spirit he breathes into the movement, are the most valuable of a pioneer's achievements. And his own character, the purity and simplicity of his life, his moderation and chivalry in controversy, his transparent faith, and his sweet reasonableness gained a serious hearing for him even from inveterate opponents.

By 1875 political progress began to be perceptible even outside the three capitals and places like Poona. The Indian Association, Calcutta, was established in 1876 and this body sent Mr. Surendranath Banerji on a political lecturing tour, one year to the north upto Rawalpindi, another year to Madras and Bombay. The Imperial

assemblage at Dehli in 1877 was probably the first occasion when prominent politically-minded people from all places met one another in such numbers. But India is a vast country and was far less homogeneous then, and matters would have ripened rather slowly but for the Ilbert Bill, the determined and most violent opposition to it by the Anglo-Indian community, and the humiliation they succeeded in inflicting upon Indians by that means. Even such an object-lesson was not indeed sufficient to open the eyes of the older men in the legislative council itself. Raja Shiva Prasad, Kristo Das Pal, and Sir Syed Ahmed agreed on the other hand in professing their confidence that their own communities, with the good breeding and sense of propriety innate in the Oriental, would never so demean themselves. But the younger leaders of the Indian Association judged differently. The terms of the concordat between the government and the Anglo-Indians were known by Saturday the 22nd December 1883. The Indian Association immediately called a National Conference to which a number of Bengal towns sent up delegates. This precursor of our 'provincial' conferences met for three days before the end of the month, and Mr. Ananda Mohan Bose the Secretary called it the first step towards a national parliament. Bombay and Madras were also roused by the agitation, the Madras Mahajan Sabha was established in 1884, the Bombay Presidency Association in January 1885, and a desire for an All-India gathering was felt simultaneously in all the three presidencies. A public All-India gathering of leading representatives at regular intervals had also presented itself to A. O. Hume as desirable for directing and stimulating the progress of the country as a whole. He had retired in 1882 from the high post of Secretary to Government, but had settled at Simla the better to pursue his favourite hobbies, and he wished to devote himself as much as possible to foster public life in India and especially to improve the condi-

tion of the ryot. Thirtythree years' experience as a Civilian had convinced him that "the Pax Britannica had failed to solve the economic problem and that to leaven the administration more and more with Indians and to dig 'an overt and constitutional channel for the discharge of the increasing ferment' were the only remedies"[2] He was a true humanitarian and his catholic religious nature sympathised with positivism at one pole and theosophy at the other exremityofth. thougt His position, influence, experience, shrewdness, and driving power were of inestimable value to Indian nationalism at this stage, and the instinct of contemporaries did not err in naming him the Father of the Congress. He established the Indian National Union in March 1885 "to enable the most earnest labourers in the cause of national progress to become personally known to each other, and to discuss and decide upon the political operations to be undertaken during the coming year." In pursuance of these objects it was arranged to hold the first All-India conference in the christmas holidays, another circular was issued affirming "unswerving loyalty to the British Crown"[3] as the keynote of the Union, and then he informally sounded Lord Dufferin about the forward move that had been decided upon, and later went to England also on a brief visit to explain matters and bespeak sympathy in parliamentary, India Office, and journalistic circles. Hume himself and his friends like Cotton, Wedderburn, and Raghunath Rāv of Madras were as keenly alive to

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· Sir V. Lovett: *Indian Nationalist Movement*, p. 34.

3. The loyalty of all India in 1885 was warm and demonstrative. In the last days of March had occurred the Panjdeh incident while Amir Abdur Rahman and Lord Dufferin had been interchanging views at Rawalpindi, "The danger", said Sir Alfred Lyell, "made the Indian people very loyal. They are in great dread" that anything might happen "if we got an upset, and they are all afraid of each other. . . ."—*Sir V. Lovett*, p. 34. Lord Dufferin wrote to Lord Northbrook in the same sense.—Sir A. Lyell: *Life of Dufferin*, ch. 11.

the need for social as for political progress, but after the interview with Lord Dufferin, who emphasized the want of a "responsible organisation through which government might be kept informed regarding the best Indian public opinion," something like the parliamentary opposition under the English constitution, it was finally determined to limit the gathering as such to political questions. The first Indian National Congress met at Bombay on the 28th December in the hall of the Gokuldas Tejpal institution, which was then a Sanskrit Pathshala, it met annually thereafter, going the round of the provinces in succession, soon established itself as the central body giving responsible expression to the deliberate views of Indian nationalists on questions relating to the political interests of the people, and maintained its authority until Indian nationalism itself split into two.

Constitutional nationalists stood forth as an organised party from 1885, possessing undoubted influence all over the country, although opinions might vary as to the quality, range, and depth of their influence at any time and place. The party produced a series of respected leaders in every province, who entered the legislative councils from 1893, it was mainly from their ranks that Indian members of the executive councils were chosen from 1909 onwards, and of the first ministers appointed under the Act of 1919, all who inspire confidence because of their past record as public men, have had their training under the flag of constitutionalists. In these ranks of Indian nationalists as a whole, a small band of nationalists irreconcilably opposed to British domination in India might be said to have become clearly distinguishable from September 1897 when B. G. Tilak was sentenced for sedition. And they might be taken to have become irreconcilably opposed not only to British domination but also to constitutional nationalists from the moment that a Maratha shoe was pitch at the

dais in the French Garden, Surat,[4] hitting Surendra Nath Banerji or Pherozeshah Mehta or both on the 27th December 1907. The two sections came together, it is true, on congress platforms at a subsequent date, but the alliance had little warmth and was of short duration. The fact is that the two types differ from each other by temperament. If constitutional agitation goes on for a period without producing ostensible result, the younger men at least begin to lose patience and faith, and if the period of suspensei prolonged still further, there can be only one end. This is especially the case if the power in possession from whom reforms are sought happens to be a foreign state: and the greater the gulf between ruler and subject, the greater the chances of nationalism becoming irreconcilable. What the poet has said about love applies with greater force to such political situations. In the minds of the subjects of a "bureaucracy, despotic, alien, and absentee, worse even than the Russian,"[5]

> Faith and unfaith can never be equal powers:
> Unfaith in aught is want of faith in all.

Under what circumstances, however, is simple trustfulness, or its opposite, a blind distrust, quite justifiable either in the autocracy, or in the subject masses, or in that *tertium quid*, our own impatient reforming selves? No one need answer such a question except for himself, for no one is going to act upon another's answer about it on any account. Looking at the matter in a slightly pifferent way, each party charged the other with trusting the ruler too much and the people too little, or *vice versa* trusting the people too much and the ruler too little.

4. On the occasion of the 23rd I. N. Congress which could not mee at all that year, being thus broken up in humiliating disorder within a few minutes of the election of the President.

5. The words in inverted commas fairly render what Tilak himself told H. W. Nevinson, even when his object was to convince N. that there was little difference except in methods between his party and the 'moderates'. *New Spirit*, pp. 71-77.

Each party charged the other with overlooking the natural primary effects of its own actions and the equally natural further effects flowing out of the primary consequences. Nor, again, could either party quite see the other's patriotism, courage, statesmanship, sacrifices, and sufferings. As said above the differences between the two were temperamental, and it was not at all in the power of argumentation, or mutual sympathisers, or round table conferences to remove them.

The irreconcilables came later on the scene than the constitutionalists, but when once established in the country as a living type, they grew faster. There were several reasons for this. The parliamentary machine proved unbearably dilatory. What a statesman of Lord Dufferin's standing had earnestly recommended in 1886 and 1888 [6] could not be granted until 1893 and 1896, and the disallowance of direct representation though making little difference in effect, deprived the gift of all its grace. Secondly, the number of Indians going to England for higher studies had been increasing fast, these England-returned young men naturally had an influence in moulding Indian political thought out of all proportion to their numbers, and their discontent was as keen as their impatience was great for higher posts for themselves and freer institutions for the country. A third and much larger body of irreconcilables, with feelings rising to definite hostility, was regularly manufactured by British Colonies like South Africa. The root of the poison is their All-

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6. Lyell: *Life*, ch 13. The first minute recorded his own views, the second those of the Governor General in Council. Representation, at least for the provincial legislatures was recommended. As to throwing more of the higher appointments open to Indians, the concessions drawn up by the Aitchison Commission were thought too liberal by the Secretary of State and were whittled down, nor were they acted upon till 1896.

White policy[7]. And the virulence of the poison is heightened by the methods they employ in carrying out that policy. For long decades Indian coolies pedlars and traders were mere coolies pedlars and traders, devoid of a political sense. Sufference was the badge of their tribe. Their inherited attitude towards constituted authority was meekness and resignation until soul and body could not stand more and parted company. Their heart and imagination were caught hold of even while they were mere children, and the entire wealth of their nature was gradually gently but persistently and most effectively directed through all the senses and by means of every faculty towards—God! That is Hindu religion; that has been the main strand of Indian culture through the ages. Then the nineteenth century dawned. The modern school, the hospital, the railway station, cities like Bombay, sprang up. The outer world rushed in upon India. The ocean breeze blew, saline and stimulating, and new life stirred the primeval forest. The building up of a secular civilization began. Nationalism was born. The cooli, the pedlar, the trader were no longer the same individuals as their fathers or even as their elder brothers. Constitutntionalism was tried for a space. A South African India Congress met at Durban and other places. There were deputations to England and monster petitions. Did it do any good? None. On the contrary, the situation grew steadily worse. For the same spirit of nationalism that was transforming the Indian had in the meanwhile developed in those lands the All-White policy as the only possible ideal to claim the whole-hearted allegiance of the white settlers there, who monopolised all political and military power, and had no scruples at all about using

7. The Union of South Africa has a population of nearly 6 millions only a million and a quarter being Whites. In Rhodhesia there are only 30000 Whites in a population of a million and three-quarters. The Uuion means a territory of 473000 and Rhodhesia, 439000 sq. miles.

it to give progressive substantiation to their ideal. That all power is a trust and worthy of respect as an emanation of the Divine only in so far as it is honestly used as a trust, is a doctrine these colonists, still in their wild and arrogant youth, do not seem even to have heard of. Thus it is that flint has struck steel, and the red spark of racial hate has been ignited.

B. G. Tilak and others became irreconcilables through the native process of their own minds. Their acts and newspapers, their successes and misfortunes spread their politics and won them adherents to a certain extent. But it should not be forgotten as it often is that the whole body of irreconcilables in India did not spring up from this single root. As we have just seen, the England-returned and especially the Indians returning from the colonies with their bitter experiences, supplied large numbers of independent recruits to the party. And, to complete our analysis, it must be added that the party gained still another contingent through the repressive measures of the state. To suffer worldly ruin, severe punishment, indignity still more difficult to bear, to be told on the top of it all that it was done for the good of the state, and yet to bear no ill-will in return, is not given to ordinary mortals. Most of these men, and many others influenced by them, must go to swell the ranks of the irreconcilables. This should not be taken to mean that all repression is wrong. Repression when necessary is right. To shrink from repression even when necessary is wrong. Murderers must be punished according to the law. Conspiracies and treasonable associations must not only be broken up but also prevented from springing up as far as possible. Bold *budmashes* seeking to terrorise policemen and judges and establish a reign of fear in villages and districts must be hunted down almost like beasts of prey. The spread of topsy-turvy sentiment and doctrine must be restrained just like the dissemination of obscenity.

These and similar powers of the state, however, rest principally upon the willing and hearty consensus of the vast majority of intelligent subjects. And such a consensus behind it is what a foreign autocracy generally lacks, especially after nationalism has become widespread among its subjects. 'Force rules the world', said a great French thinker, 'only until Right is ready to undertake the duty'. Autocracy is tolerated only until a community develops political consciousness. An autocracy should take the spread amongst its subjects of an active spirit of nationalism[8] as a notice to submit to a radical transformation of its nature. A foreign autocracy should do so not less but all the more promptly, since it has fewer bonds of sympathy and understanding with the population. To do otherwise is not statemanship.

To pass on to the genesis of the third variety of nationalists. Lord Elgin's viceroyalty was a period of war, widespread famine, and plague—indescribably terrible then in its first outburst. Economic unrest had spread far and wide. The continuous fall in silver had placed the state finances in danger, and among the remedies applied was an excise duty upon cotton goods woven in Indian mills,[9] at the dictation and in the interests of the English cotton industry. Lord Curzon's viceroyalty succeeded, a period during which anti-government feeling

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8. Whether this is really the case at a particular time in any community is a question of fact, to be carefully and impartially gone into by competent men strictly as a question of fact, and by the application of tests capable of yielding measurable results. Assertions on the subject, demagogic and journalistic, ought not to count at all. And it is a complex question about which even amongst competent judges with all the evidence before them, there would be plenty of room for an honest difference of opinion.

9. R. C. Dutta calls the Cotton Duties Act, 1896, "an instance of fiscal injustice unexampled in any civilised country in modern times." *Victorian Age*, pp. 538–44, see pp. 292–93 *ante*. Has any one ever told Lancashire, I wonder, that the policy it has pursued has contributed its bit towards breeding irreconcilables and potential anarchists in India ?

attained a volume a breadth and a height unheard of in India experience. In Bengal in particular all classes combined together in a passionate opposition to the Curzonian partition. The mother-country—the geographical surface—became for the first time in Bengali thought the material sheath of Kāli (काली) the Mother, Bankim Chandra's rugged song in the *Ananda Math* (आनन्द मठ) was discovered to have mystical charms and transcendent beauties, and Bande Mātaram (वन्दे मातरम्), the refrain,[10] was soon on Bengali lips, young and old, in every tone and key, at all hours of the day and night. As ill-luck would have it, it so happened that there was a small number of Indians—a few men and at least one woman—who had long been planning and plotting to tempt Indians away from honour and manliness and all that we generally hold most dear and sacred. So far they had been beating the air. But now they saw their opportunity and seized it. The Curzonian partition was promulgated on the 19th July 1905[11] that most unpopular measure on the top of a long succession of unpopular measures and galling utterances. The India Home Rule Society was started in London in January 1905, the *Indian Sociologist* began to appear, lectureships and travelling scholarships were founded to draw promising youths from India to England, and the *India House* in London was in full working order by 1906. The wily spiders spread the net, enticed the flies inside, injected the necessary poison into them, and confidently left the rest to the workings of adolescent human nature. If any one wants an example of true blue diabolicality in Indian

10 The most musical rendering of the song I ever heard was from two Bengalis singing it together on a memorable day a little before sunrise at the French Garden, Surat, in the *pandal* of the Congress, that only a few hours later, was given the sack—or the shoe rather!—by the Maharashtra delegates from Bombay, C P., and Berar. I suppose it was the hour and the place which blended the liquid cadence, for my ear, into notes of a never-to-be-forgotten harmony.

11 L. Fraser: *India under Curzon*, p. 382.

history, here is one. From the point of view of the objects aimed at, examine the choice of time, the choice of place, the means, the methods, how little was the trouble, after all, to the arch-plotters themselves, and yet, how thundering the results. The *Jugantar* began to appear soon after the *Indian Sociologist,* and the Maniktola home was started about a year after the *India House.* The Muzaffarpur outrage was committed on the 30th April 1908 and the first capture of a band of anarchists took place on the 2nd May. Other bands came into existence in various places and committed other crimes. The story need not be given here even in outline. But it ought to be known far more widely and far better than it is. Its significance need not be exaggerated; but it should not be underestimated either. The tabular statements and charts in the Sedition Committee Report (1918) show the main facts at a glance.

W. S. Blunt : India under Ripon.
Sir W. Wedderburn : A. O. Hume.
A. C. Muzumdar : Indian National Evolution.
Tilak-v.—Chirol and another, 2 vols.
Sedition Committee Report 1918.

§ 61 *Demands, Administrative to Radical.* The political rights demanded and the changes in the constitution desired went on increasing as the spirit of nationality inspired larger numbers and grew in intensity and earnestness. It must be noted at once that in this respect the anarchists contributed nothing to the development of political thought in India. They were purely negative and destructive. Drawing their inspiration so largely from the extreme offshoots of European socialism, and from some of the master-minds (like Mazzini and Kossuth) of the oppressed nationalities of Europe, they yet omitted to adumbrate for India, even in the sketchiest manner, anything corresponding to those visions of the future, in which the literature of socialism and nationalism abounds. All they had to say to English rule and Englishmen in

India was limited to the single word—Begone! Their sole precept to the Indian was—Kill! All they sought to bring about was the violent death of the Present by assassination, butchery, and terrorism. What the Future would be after such ending of the Present, these outlaws never cared.[1] That, however, was not the case with the other nationalists. They knew the backwardness and heterogeneity of the Indian population, they were fully aware of the might and resources of the Empire and of their own government, they were sincerely convinced that it was doing good work in India which no other agency could undertake, they were scrupulously careful not to suggest anything that might be interpreted as dangerous or as a leap into the dark. They were, if anything, obsessed with a sense of the enormous responsibilities facing them. They proceeded most cautiously and deliberately, suggesting administrative, fiscal, legal, and constitutional reforms, not in vague generalities but in the shape of detailed and concrete proposals, and if they erred at all, it was an error on the safe side, expecting too much from inquiries and commissions and sweet resonableness trusting with a faith touching to behold, to the manifest justice of their cause. It was only after years of pegging away in this manner at their self-imposed task that they were convinced of the futility of this method of piecemeal reforms and advanced to bolder strategy. Should they not have done so from the first? It seems to me that the better informed view would justify the course they actually adopted, holding that they could at the time and with their resources have adopted no other. A demand for Reform rather than reforms, for radical change instead of administrative improvements, would almost certainly

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1. Perhaps this one trait is sufficient by itself to show how raw and irresponsible Indian anarchism was even when some of its crimes revealed such baffling capacity for subterranean plotting.

have started repression by the executive at an earlier date, and the capacity to face repression like men and yet keep the flag flying is a plant of slow growth. What the condition of India really was when the Indian National Congress was launched should always be borne in mind. To mention only one or two characteristic little facts. In those days every one who passed the Collector's bungalow, stopped a minute, doffed his shoes, made a salaam—to the spirit of the place!—and only then resumed his shoes and proceeded on his way. In those days a mem-sahib had still merely to order her khansama to take a man along with him to the magistrate, the man might be a servant, or a pedlar, or a beggar, or a passer-by, and the magistrate would instantly have administered to the poor fellow a few cuts of the whip—to maintain the Rāj and its prestige! In those days[2]—but enough. One of the greatest difficulties a historian of modern India has to face is the rapidity with which "those days" have been changing, decade by decade ever since 1818.

Those days passed. The Congress itself contributed not a little to a wide diffusion of political consciousness, and to the creation of hundreds of men, year by year, who began looking into political matters much more closely, until it became a habit, convictions were formed and circulated, and a public opinion arose resting upon a wider and more solid consensus than before. The men who launched the Congress gave place to their successors. And the disappointing Indian Councils Act, 1892, the refusal of the executive to give effect to H. Paul's resolution in favour of simultaneous examinations passed by the Commons in 1893, and the imposition of the excise on cotton goods manufactured by Indian mills in 1896, created a change of attitude in India towards British rule, a change further

2. For an example of how a pensioner retiring from a high position incurring the displeasure of local officials, was ruined by them in those days, see W. S. Blunt : *India under Ripon*, p. 43.

accentuated by the repression that followed. The influence of three extraneous thought currents has also to be taken inlo consideration. The Jingoism of middle class English thought starting from about 1875 continued, as has been mentioned in an earlier chapter, upto the outbreak of the war against the Boers in South Africa. The increasing determination of the colonists to reduce the Indians settled in their midst to the position of depressed classes by hook or by crook, to prevent further immigration, and to de-naturalise, so to say, and even to expatriate those who had already won a secure position as property owners and as citizens, by drastic legislation administered still more drastically, has also been commented upon. M. K. Gandhi's non-violent but adamantine opposition to one of the most iniquitous manifestations of this policy, naturally attracted the attention of the whole civilised world, as a phenomenon quite as remarkable in its way as the wonderfully rapid modernisation of Japan, especially with respect to the efficiency of her army and navy, and still more naturally excited high and bitter feeling in India itself. And, lastly, there were the world effects on the mentality of all non-European countries from China to Morocco, countries subjugated and exploited more or less by European powers and threatened with still further progressive degradation, effects necessarily produced by the resounding victories of Japan on sea and land in her war of defence against the unscrupulous and unlimited aggression of Russia. It is perfectly true that the war was like a contest between an elephant and a leopard. The elephant could not put forth all his force and weight into a blow until he had first receded a few steps to start again and develop the necessary momentum. The retreat, too, was effected methodically and without serious loss. And he was at length ready for his start, with the long railway line behind him in proper trim, and an army of over nine lakhs ready at the front, with all the stores

and reinforcements necessary to feed it also ready to reach the front in a regular flow. It is no less true that Japan was already at her last gasp at least financially. But in the meanwhile she had reduced Port Arthur by prodigies of valour, her armies had gone on advancing mile by mile, and when the Russian fleet reached the scene of operations it was sent to the bottom of the Yellow Sea in a twinkling. Hence, although Russia gave no indemnity and lost no territory, the peace was quite naturally looked upon all over the world as an unequivocal victory for Japan, and especially by all non-European countries.

Lord Curzon left India in November. The partition was given effect to in October 1905, the liberals came into power with John Morley as Secretary of State for India in December, and at the Congress held at Benares at the end of the month, G. K. Gokhle as president observed—

> "The goal of the Congress is that India should be governed in the interest of the Indians themselves, and that, in course of time, a form of government should be attained in this country similar to what exists in the self-governing colonies of the British Empire." [3]

To appreciate the nature of the advance, we have only to contrast the above with the objects of the Congress as we find them in the Rules of the Congress Constitution, adopted at the fifteenth sessions (1899):—

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3. *Speeches*, p. 829. Gokhle had been in England earlier during the year and the announcement of this as the 'goal' was deliberately decided upon in consultation with the elder congress leaders in England and also, probably, in India. See Dadabhai Naoroji's message to the Benares Congress, especially the following passages :—"We are now on the eve of our arriving of age, and we have to make a new start forward.... The work of the Congress in India and England has developed a clear and most urgent aim, viz. self-government like that of the Colonies, in the way most suitable to the peculiar circumstances of India.... The tide is with us. All Asia is waking up. The Isles of the East (Japan) have made the start."

"The object of the Indian National Congress shall be to promote by constitutional means the interests and the well-being of the people of the Indian Empire." [3]

And to do full justice to the Congress leaders, their motives and their calculations, in deciding upon this bold step at this juncture, we might look at a historical analogy. "Shivaji and his ministers," says the historian,—

"had long felt the practical disadvantages of his not being a crowned king...Theoretically, Shivaji's position was that of a subject; to the Mogul Emperor he was a mere zamindar; to Adil Shah he was the rebel son of a jagirdar...He could sign no treaty, grant no land with legal validity, his conquests could not become his lawful property...The people under his sway could not be free from their allegiance to the former sovereign, nor could he claim their loyalty and devotion...His rise had created much jealousy among the other Maratha sardars who refused to adhere to him as his servants... There was also, in the higher minds, the desire to see the Hindu race elevated to the full stature of political growth by the formal assertion of his position as an independent king. They longed for the Hindu *Swarajya* (स्वराज्य) and that implied a Hindu *chhatrapati* छत्रपति." [4]

Lastly, Shivaji and his ministers also chose the moment of coronation with the greatest circumspection. With all this in mind, turn now to the present day. Indians were being defrauded of their rights in the colonies; and the determination was avowed and was being given effect to of reducing them to the status of helots and pariahs. The argument put forward was, how could Indians claim to be citizens in those lands when they were merely subjects of an autocracy in their own? Secondly, public opinion in India, however strong and unani mous, could not get the Government of India to move in the matter as

3. Of course in the rapidly growing volume of Congress oratory, there were passages here and there of earlier dates pointing to this goal, e. g. Surendra Nath Bannerji's speech as president at Poona, 1895. But these were at those earlier dates, little more than flowers of rhetoric. With Gokhle began from 1905 the claim that this was the minimum, that this much at least was indubitably due to India in her own right.

4. J. Sarkar; *Shivaji*, ch 9 § 1 condensed.

the champion of Indians. The Government of India took no mandates from the people, its sole duty was obedience to the British Ministry and parliament. Thirdly, the Civil Service here, who under any rational and civilised form of government, ought to be mere servants, lorded it over the people with a high hand, and Lord Curzon's government asserted their continued adherence to the principles the Stracheys and the Stephens had proclaimed a generation earlier, the only difference being that they were now even more vehement and exclusive about it than their predecessors. "To me", said his rhetorical lordship, "the message is carved in granite, it is hewn out of the rock of doom." To have allowed these vainglorious and unjust claims of the colonist and the civilian to become permanent facts, would have meant the death of India. They had to be fought tooth and nail. And just then hope dawned on the horizon. The Curzonian regime came to an end, the Jingo regime, too, came to an end in England, the liberals came into power with an overwhelming majority, and John Morley became the Secretary of State for India. Now or never, thought the Congress leaders. They proclaimed their goal, and sent Gokhle to England as their delegate. The following Congress at Calcutta clenched the matter. Dadabhai Naoroji as president spoke principally of "self-government or swarajya for India, like that of the United Kingdom or the Colonies," and the congress resolved that

"The system of government obtaining in the self-governing British colonies should be extended to India, and urged that as steps leading to it, (a) simultaneous examinations for all higher appointments in India as well as in England, (b) the adequate representation of Indians in the India Council and in the executive councils of the Viceroy and Governors, (c) an expansion of the legislatures with the addition of a large number of truly effective representatives of the people and a larger control over the financial and executive administration, and (d) the freedom of local and municipal bodies from official control with an increase of their powers, should be introduced immediately."

Dadabhai Naoroji also appealed for union between Hindus and Muhammadans. Education had been advancing amongst the latter and the younger men were becoming nationalists in increasing numbers. At some of the Congresses held in the U. P. the Muhammadan delegates were more than a third of the total. And Muhammadan journalism as it grew up leaned more and more to the policy and methods of the Hindu nationalist organs. This tendency was already causing some disquiet to the older generation of Muhammadan leaders, who still clung to the policy initiated by Sir Syed Ahmed of keeping the community a distinct and organised force as between the rulers and the Hindus. They wanted to do something that might recast the above policy in such a way as to bring it uptodate and enable it to continue its hold upon their brethren as in the past. English liberalism, moreover, had never been able to cast its spell over Muhammadan thought to any extent. To them its philosophy was anti-religious and socially anarchical and its world-politics anti-Turk i. e. anti-Muhammadan. Hence, although its humanitarian democratic pacific and progressive character appealed to the best minds among them, the community as a whole entertained towards it a feeling of distrust amounting to fear. Thus, when the Indian National Congress set before itself the goal of acquiring for India a form of self-government within the empire analogous to that of the British colonies, they thought that this would mean a predominantly Hindu government, unless they acted at once to safeguard their own special rights and position. And as they realised how strong the new Liberal ministry was and how powerful and influential were the radical and labour contingents in the new house of commons, they foresaw that the next Viceroy would in all probability be a doctrinaire Liberal, a modernised edition of Lord Ripon without his piety and with greater driving power, and they decided to act at once so as to

win over the Government of India at least to their side, while Lord Minto was still at the helm. Thus arose the historical Muhammadan deputation with H. H. the Aga-Khan at its head, which waited upon the Viceroy on the 1st October 1906, showed how the legislatures, municipalities and local boards had not till then afforded to their community a representation, either by election or by nomination, in proportion to its numbers or political and historical importance, and urged that no system of representation, however devised, would do so, unless a certain number of seats were specially assigned to them on each elected body, and communal electorates formed to return that number.[5] The Government of India admitted the facts, accepted their claims, and assured them of their support. Such was the origin of communal representation for Muhammadans in the regulations under the Indian Councils Act, 1909, and under the Government of India Act, 1919, the application of the principle had to be extended to some other communities also, in spite of the very strong objections to it noted in the Montagu-Chelmsford Report.[6]

The Muhammadans also created an all-India political organisation of their community, which began to meet annually from 1906 under the name of the Moslem League.[7] And, just like the Indian National Congress, it soon had a branch of it or committee in England. For some years their energies were mainly directed towards educational advancement, and during this first phase of its history the

5 See the Address, H. H. the Aga Khan's speech, Lord Minto's speech in reply, the Govt. of India's despatch to the S. S., No. 21, 1-10-1908, paras 18-21 (*Mukharji* I pp. 283-7), &c. Morley strongly disapproved, but had to accept it as an integral part of the reform scheme. *Recollections*, II 315, 325, &c.

6 Paras 227-32.

7. For a very brief account of earlier Muhammadan gatherings and associations, see Ramsay Macdonald : *Awakening of India*, p 176.

movement received considerable support and encouragement from officials and the Government. But one of the first demands thus developed was for the elevation of the Aligarh College into a Moslem University, and by 1912 the differences between the Government and the Muhammadans in the views each held on the subject of the proper constitution of such a university became acute. The project had to be dropped for the moment, with the consequence that the members of the league found themselves really forming three distinct sections, a right, a centre, and a left, of which the central group, by far the most numerous and influential, began to lean more and more towards the Indian National Congress. That body had welcomed Lord Morley's proposals with "deep and general satisfaction" in 1908 as a "large and liberal instalment of reform,"[8] but had discovered reason to change its opinion as soon as the regulations under the Act were published. Sir William Wedderburn came out from England to preside over the next Congress at Allahabad, and brought about, immediately after, a "conciliation conference" between Hindu and Muhammadan leaders, where the initial steps were taken to induce a gradual rapproach ment between the two communities all over India. In order that such a conference could be held at all, H. H the Aga Khan had abridged the sessions of the Moslem League at Nagpur and brought over about forty leading Muhammadans with himself to Allahabad.[9] The conversion of the League to Congress ideals was quickened by Asian and European events such as the misfortunes of

8. II Resoltn. of the Madras Congress, 1908; IV—VII Resns. of the Lahore Congress, and the speech of the President, Pandit Madan Mohan Malaviya, 1909. See also a brief discussion of the matter—*Report I. C. R.*, paras 90-101.

9. For the captions originally proposed for discussion and amicable settlement, see the newspaper *India*, February 3, 1911.

Persia and Turkey. From 1915[10] onwards the League began to assemble at the same place as the Congress and to fraternise with it, and at the Congress and League sessions of 1916 at Lucknow the question of the proportional representation of Hindus and Muhammadans on elected bodies in every province and in the central government was settled once for all by mutual agreement.[11]

Mrs. Annie Besant: How India wrought for Freedom.

Sir V. Lovett: History of the Indian Nationalist Movement.

§ *62* *The Great War* had in the meanwhile broken out on August 4th, 1914. India saw at once that it was no ordinary war, but a struggle for life and death against a determined foe of marvellous strength, where honour and freedom were at stake. Lord Hardinge consulted leaders all over India, and convinced that raja and ryot, Hindu and Moslem, were alike heirs to an ancient culture that scorned the very idea of seizing the moment of England's peril for India's advantage, and that the one regret of every educated young man was that he had no military training,[1] sent away immediately to the various fronts as many English and Indian soldiers, with as much of the

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10. The League did not meet at all in 1914.

11. The proportion of elected Muhammadan to elected Indian members was to be :—the Punjab, one-half; Bengal, 40%; Bombay, one-third; U. P., 30%; Behar, 25%; Madras and C. P., 15%; and it was also agreed that Muhammadan voters were to vote only through their special electorates.

1 See Bhupendra Nath Basu's address as Congress president, 1914; his pamphlet "Why India is heart and soul with England?" ; the verses -good evidence even when indifferent as verses-of many writers, from William Watson and Nawab Nizamat Jung Bahadur downwards, some of which will be found in the numbers of the newspaper *India* from September 1914 to the end of the War; the relevant resolutions of the legislatures and of the Congress and the League from 1914 onwards; the proceedings of the meetings and conferences convened for special war efforts, &c.

artillery, arms and ammunition, and military stores of all kinds, as could possibly be spared. This help of inestimable value was rendered doubly valuable by being rendered in the nick of time, and it was followed up throughout the war by coolies, non-combatants of all grades, grain and various supplies, as well as soldiers being steadily forwarded wherever wanted in generous quantities at a considerable sacrifice direct and indirect to India herself. The full tale of all that India did and suffered for the Empire during and because of the War can never be told. When in the next generation some painstaking German historian writes the story of the War in detail, it is not at all unlikely that he might attribute his country's defeat mainly to the fact that England and her allies had the unlimited man-power and resources of India to draw upon. Even if we confine ourselves to the single item of the number of Indians who enlisted and went to the front to do their bit, we find that the total goes up to nearly seventeen lakhs, out of whom over sixty thousand were killed, eleven thousand became prisoners, seventy thousand were wounded, and eleven won the Victoria Cross. For the first few weeks England paused with bated breath to see how India would act at this crisis of her fate; knowing that the foe must have left no subterranean tricks untried to create complications, confusion and revolt amongst these ignorant, suffering and alien masses. When, however, all doubt on the subject vanished, her joy and gratitude found expression in a unanimous shout,—"well done, worthy comrade!" How long this mood lasted it is impossible to say. Whether it ever affected the men who ruled the British army from Lord Kitchener downwards, it is impossible to say for certain. What is certain is that even if the heads of the army in India itself gave way to the generous impulse at all, it was only for a moment. They reverted pretty quickly to their settled policy of keeping India, the real India, as unarmed, untrained, and

unfit in a military sense as ever. As Colonel Wedgewood says,

"Military bosses saw to it that those who could have come, voluntarily and knowing the issue, were not allowed to bear arms. Most of those who came were pressed, and the less said about it the better. They knew how to die; but they did not die for India or for a free Commonwealth. With them it was Fate, and they met Fate with serene eyes, as Indians have for five thousand years. What could not India have done as a race of freemen! We pulled through without the real India."[2]

Distrust like this at such a juncture who could fail to read? Who could fail to feel it as a stigma altogether undeserved? And two other factors have also to be noted. The struggle proved to be of such a character that the Allied Powers were obliged to represent it as a struggle for the preservation of freedom and civilisation all over the world; they spoke as the disinterested and dedicated champions of right, freedom, and culture, promised in the most solemn manner that they would at the peace respect the sacred right of self-determination inherent in every nation, at least every progressive nation, even the weakest and the smallest, and went so far as to proclaim that even the most backward and uncivilised people, when handed over to any one of them in the redistribution of the world, would be ruled scrupulously in their own genuine interests, as a trust from humanity, and periodical accounts would be rendered to some impartial international authority like a League of Nations. The resources of modern organisation were strained to the uttermost to spread this propaganda throughout the world. The founders of new faiths have invariably said, "Come to me, all and each, that might be in distress, bodily or mental. Come to me, I bring nectar from the skies: partake of it and be healed." These Allied Pow-

2. *Future of the Indo-British Commonwealth*, p 18.

ers similarly assumed the prophetic role, and said to the nations, "Come to us, help us only to chain this 'drunken demon' who is out to smash up the world; can't you see we have undertaken the job for the good of the world; as soon as we have accomplished it, every one of you will have the freedom your heart desires; come to us." And the exceptional distinction of the years of storm and stress through which the world has passed is just this, that the young middle-class citizen of the civilised world before whom this vision of a new order was spread, honestly believed in it, flocked to the flag of humanity and freedom in hundreds of thousands, and the war was won. It was for this that the young voter of modern democracies rushed to arms, it was for this that one out of every ten who did so laid down his life. There is no parallel in recorded history to a human sacrifice (यज्ञ) on such a scale. There must spring up from it more political freedom in the world than ever before, or else all human life and history is vanity of vanities. But political freedom, of course, is only for those who can rear it and nourish it and guard it for themselves.

The other factor was the new claim advanced by the Colonies to share the direction and control of the foreign policy of the Empire along with England as equal partners. Like the rest of the world they had seen as soon as the war broke out that it was a life and death struggle, and like every other part of the Empire they rushed to arms and strove to throw all their weight into the contest. But they pointed out at the same time that the foreign policy of a state and such decisions of peace and war and alliances as it involved were without exception the most momentous decisions a state could be called upon to face, and their political freedom and status were seriously in defect until England took them into her counsels and deliberations on these matters as sister nations. The

sovereign executive and legislature of the Empire which took these decisions were to be responsible to them no less than to the people of the United Kingdom, otherwise their political freedom, however complete in their own internal affairs, was an organism of a lower order altogether, standing to the absolute self-existent (स्वयंभू) freedom of the full-grown state as does a mere man to a god (देव). English opinion had to a slight extent been prepared for such a demand for a more closely knit organisation of the Empire from the time of Queen Victoria's Jubilee onwards, through periodical conferences between English and colonial statesmen.[3] Vague ideas which had thus been in a process of haphazard growth, the emotional shock of the Great War nourished into a sudden vigour, the colonial demand was warmly welcomed on all hands, a reorganisation of the constitution of the Empire leapt into prominence as an urgent problem to be handled as soon as the war was won, and English statesmen of the first rank, including Bonar Law, the colonial secretary, advised the Colonies in a public speech "to strike the iron while it was redhot." The only definite scheme in the field for such reorganisation was the one, published in 1916, by Mr. Lionel Curtis, one of the originators and leaders of the Round Table students, a small but active body of men assembled in groups in university centres and other places in all the colonies and in England, who had

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3. Seelay's *Expansion of England* appeared and the Imperial Federation League was formed, 1883. The first Colonial Conference was held, 1887; the second, 1894; the third 1902; the next was the first "Imperial" Conference, 1907. The second, 1911, had the diplomatic and foreign situation (the Agadir incident) fully expounded by the Foreign Secretary of State in a secret session. These have been followed by the Imperial War Conferences and Cabinet meetings during the Great War, the Imperial Peace Conference, and the Imperial Conference this year. For a very brief account, see in the *Edinburgh Review* for April 1921, J. A. R. Marriott: *Organisation of the Empire*.

for several years been examining this very problem in all its complexities.[4] Mr. Curtis's scheme was that imperial affairs should be separated from domestic, and while the latter were to be dealt with-as in each of the Dominions-by an executive and legislature responsible only to the United Kingdom, for the former a new Imperial executive and legislature must be created responsible to the five sister nations, the United Kingdom and the four self-governing colonies. This meant, however, that all the other parts of the Empire which had hitherto been subject to the United Kingdom alone, would, on the formation of this new supreme government for the empire, be subject to it instead. And it is not at all surprising that India, with the treatment it had received from the colonists, and the opinion it had formed about them, should protest against such a change in unmeasured terms.[5] It is due to Mr. Curtis to add that he himself was fully conscious of the unique position of India

4. On the grant of responsible government to the Transvaal and Orange River Colony, Closer Union societies were formed in South Africa, 1906-7. On the accomplishment of the Union of South Africa, these were converted into Round Table societies, similar societies were formed in Canada, New Zealand, England, Australia, and Newfoundland, 1909-10, the problem of the reorganisation of the Empire was the subject they set before themselves to study co-operatively, and the quarterly organ, the *Round Table*, was started. Mr. Curtis published the *Problem of the Commonwealth* and the *Commonwealth of Nations*, 1916. He came to India in October.—*Dyarchy*, pp 38-90.

5. For instance here are a few sentences from the pen of a leader noted for the mildness of his nature and the habit he has cultivated of weighing every word. "The responsibility of ruling India will be accepted, Mr. Curtis assures us, as a high spiritual task; viz that of 'preparing for freedom the races which cannot as yet govern themselves'...This is the new humiliation that stares us in the face, if we do not make it clear betimes that we will not tolerate the pretensions of the Dominions...Patience is a difficult virtue to exercise when a certain set of people brand you as an inferior race, exclude you ruthlessly from their territory, and then coolly offer to administer your affairs and exploit your resources, adding at the same time that it is all for the purpose of teaching you how to govern yourselves." V. S. Srinivas Sastri: *Self Government for India under the British Flag* (1916), p 7.

in the Empire, soon after the publication of his book he came over here in person to study the problem of the commonwealth in its Indian aspect in all its complexities, and he lost little time in recasting his supreme Imperial organ of government so as to include India also within it as a responsible partner. The imperial legislature he now advocated was to be bi-cameral, representatives of the Indian Native States were to be members of the upper house, those of British India were to be members of the lower, and the imperial executive was to be drawn from both the houses.[6] But the fat was already in the fire, and not a few of our influential public men and journals lost their balance to such an extent as to imagine they had nothing more patriotic to do than to fan it into flame. Even the best-informed Indians wavered for a time and were full of anxiety. It was natural at such a crisis to forget how extremely deliberate England has invariably been in adopting fundamental changes in her constitution. Hardly any one knew till long after that whatever influence the Round Table organisation possessed would be exhausted with the initiation of a bill at the next Imperial Convention at the end of the War, or that that body itself was not at all unanimous about Mr. Curtis's scheme.[7] Nor could it then be foreseen that the whole influence of General Smuts and South Africa would, as the event has proved, be steadily and decisively cast into the opposite scale. Public excitement rose higher and was participated in by larger numbers during 1916 and 1917 than ever before, and all parties and sections of political opinion joined together to demand real and full self-government for India at the earliest possible moment, particularly in order that we might not become subject to a government in which the Colonies had a share. All the three factors thus briefly indicated have to be borne in mind to understand the policy pursued by the Indian

6 *Dyarchy*, p. 87.
7 *Dyarchy*, p. 45.

National Congress and the Moslem League on the one hand and the pressure thus brought to bear upon the policy of the Government of India on the other, during the fateful years ushered in by the German violation of Belgian neutrality at the beginning of August 1914.

The Moslem League and the Indian National Congress began to fraternise, as has been noted above, from their Bombay sessions, 1915. The president of the latter, Sir S. P. (later Lord) Sinha laid stress in his address on two cardinal demands. He quoted J. Chailley's observation that the motto of Elphinstone, Malcolm, and others was "India for the Indians," or the gradual preparation of India by suitable institutions and the increasing substitution of Indian for English agency for the gift of entire autonomy to the Indians, "but that is not the aim of England now. She ruled India and intends to go on ruling it...She will keep the command and direction of the vessel, and her government will remain as despotic as circumstances will permit."[8] And he urged that there ought to be an authentic and definite proclamation on the subject that could not possibly be evaded or misunderstood. And in the second place he specified the question of commissions for Indians in the army and of military training for the people as having become increasingly urgent, denying that there could be any true sense of citizenship under a system that did not place the responsibility of defending the country upon the people themselves. The only other event of 1915 that needed mention here was the Hon. Mr. Shafi's resolution in the imperial legislature on September 8th, asking for the direct representation of India at the next Imperial Conference. The demand received support from many quarters, English public opinion being still influenced by the warm feelings of gratitude naturally excited by the magnificent response of India and the in-

8. See *Administrative Problems of British India* pp 117-8.

valuable services of her army.[9] For instance, Dr. A. B. Keith said :—

"The Imperial Government in their general foreign policy must in future consider the views of India with as much care as they consider those of the Dominions. Their duty in either case is identical and must be carried out without favour to either. It is inevitable, therefore, that India should be allowed a voice in the Imperial Conference ; it is indeed ludicrous to think that New Zealand, South Africa, and Newfoundland are to be ranked as superior to the Empire of India ; it is right, further, that that voice should be uttered by a representative of India other than the Secretary of State, and preferably by a member of the Indian race." [10]

Thus it was that S. P. Sinha and that rare product of the dreamy East and the pushful West, H. H. the Maharaja Bahadur of Bikaner, represented India at the Imperial Conferences and War Cabinets, and were the Indian signatories to a treaty of peace more historic than any since the momentous pacification that, packing Napoleon off to St. Helena, had rung the curtain down upon one act of the drama of humanity, to raise it very gradually upon the next.

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9. It is not too much to say that the very first service rendered by the Indian army in the Great War was, comparatively and historically speaking, of the most inestimable value. The Indian army first took up its position on October 24th, 1914, between Generals Pulteney and Smith-Dorrien (Sir A. C. Doyle: *British Campaign, 1914* ch 7-10). Over three weeks followed of a terrific contest, including the first battle of Ypres. A German force over six lakhs strong had started to drive the British into the sea, reach Calais, and make it impossible for England to co operate further with the French on land in France and Belgium. The English never had even half the number to oppose this advance: the disparity in equipment was greater still. And yet the Germans could advance only five. miles in a whole month, they lost over 25 % of the troops employed, and they fell back beaten. As Sir F. Younghusband said, in a paper at the Royal Colonial Institute (May 11, 1915), the seventy thousand troops from India were sent to the front while the Germans were making their tremendous lunge to reach Calais, and just at the moment when the British line there had become thinned to breaking-point; but for this Indian reinforcement, our brave little army would have been swept off the Continent. And the moral effect ? Did the German know or find out then that he had only a fraction of the Indian army against him there?

10. *Imperial Unity and the Dominions*, p 588.

1916 witnessed (1) the foundation of Home Rule Leagues, (2) the Memorandum of nineteen Indian members of the Supreme legislature including five Muhammadans, which consisted of thirteen recommendations calculated to strengthen the legislatures and liberalise the administration, and (3) the adoption by the Indian National Congress and the Moslem League of a fuller and more detailed scheme of reforms on the same principles.[11] These schemes if adopted, might have given us legislatures and executives as coordinate powers in theory, but in practice the executives would have become seriously weakened in a short time, and now and again "embittered and dangerous deadlock"[12] between the two would have arisen. It so happened, however, that the problem of meeting Indian aspirations half-way had, in the meanwhile, been taken up for serious consideration by Lord Hardinge's government,[13] probably soon after the death of Gokhle, and Lord Chelmsford, when he succeeded, continued the inquiries as energetically as the urgency of war preoccupations allowed. A competent body of Round Table students was also investigating the same problem independently in England.[14] Sir William Duke, a member of the India Council, was one of the number, and a novel idea suggested during the discussions—that the functions

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11 For (3) see *Dyarchy*, pp. 90–95, and S. Sastri's pamphlet, *Self Govt. for India under the British Flag.*

12 *Report I. C. R.* para 167; see the whole of ch. 7, an elaborate criticism of the Congress-League scheme.

13 *Ibid* para 28; and H. H. the Aga Khan's letter to the *Times* (London), August 14, 1917, publishing Gokhle's Scheme. H. H. says he gave copies, soon after Gokhle's death (February 19, 1915) to Lord Hardinge, Lord Willingdon, and the Secretary of State. A comparison of Gokhle's scheme (*Speeches* 3rd edition, pp. 1025–9; all the other references to *Speeches* throughout this book are to the 2nd edition) with Mr. M. A. Jinnah's address as president at the Ahmadabad Provincial Conference and with the two schemes mentioned above shows at once that Gokhle's scheme leaked out in India in the course of 1916. Constructive faculty in the framing of constitutions is extremely rare.

14 *Dyarchy*, pp. XX–XXVII.

of government might be arranged in groups, one or more of which might be handed over to administrators responsible to legislatures which would themselves be responsible to the voters, while the other functions continued to be dealt with by members of the executive council, and that these and the new administrators together might form the new governing body under a head, unchanged in character,—was, early in 1916, by him embodied in a concrete and detailed form applicable to the presidency of Bengal. Lord Chelmsford obtained a copy of this in May 1916, and the subsequent visit of Mr. L. Curtis to India was doubtless availed of for a full discussion of the whole subject between him and members of Lord Chelmsford's government. Further delay in making a start towards the legislative introduction of this "dyarchy" as the only possible transitional form of constitution in the advance from autocracy to full responsible government, was due, perhaps, to the many calls, requiring immediate attention, of a world-wide war; but Sir James (later Lord) Meston's speech as Lieutenant Governor to the U. P. legislature on July 17, and Lord Islington's address at Oxford on the problems of Indian government three weeks later, heralded the actual announcement in the house of commons on Monday, the 20th of August. "The Government of India," read out the Secretary of State in answer to a question on the eve of the usual adjournment of parliament, "have for some time been urging that a statement should be made in regard to Indian policy...The policy of H. M.'s Government, with which tne Government of India are in complete accord, is that of the increasing association of Indians in every branch of the administration, and the gradual development of self-governing institutions, with a view to the progressive realisation of responsible government in India as an integral part of the British Empire. They have decided that substantial steps in this direction should be taken as soon as possible.... I would add that progress in this policy can only be achiev-

ed by successive stages. The British Government and the Government of India, on whom the responsibility lies for the welfare and advancement of the Indian peoples, must be the judges of the time and measure of each advance, and they must be guided by the co-operation received from those upon whom new opportunities of service will thus be conferred, and by the extent to which it is found that confidence can be reposed in their sense of responsibility. Ample opportunity will be afforded for public discussion of the proposals, which will be submitted in due course to Parliament." Mr. Montagu added that the Governor General had invited the Secretary of State to India in order that these proposals could be drawn up by both together in consultation with local governments, and the suggestions of representative bodies and others might also be fully examined on the spot and that His Majesty's Government had accordingly decided with H. M.'s approval that he was to proceed to India without delay.[15]

The next stage in the story was the Montagu-Chelmsford Report submitted to Government in June 1918. It covered the entire field from the manners of the individual Englishman in India to the self-restraint that parliament and public opinion in England itself would have to exercise more and more on Indian questions, as Indian electorates became more and more conscious of their own rights and made their legislators and administrators more responsible to themselves. Even the definite proposals it put forward were arranged under fourteen heads, and summarised in sixtynine paragraphs. Some of these recommended committees to examine special sections of the subject and formu-

15 He announced at the same time the decision of government that "the bar which had hitherto precluded the admission of Indians to commissioned rank in H. M.'s army should be removed," and that nine Indians belonging to the Native Indian Land Forces who had been recommended for the honour by the Government of India in recognition of their services in the field were accordingly to receive commissions.

late more definitely the changes, new arrangements or new relations required. A number of other proposals were modified in the course of the detailed examination of the Bill based upon them. The outstanding merit of the Report is its clear, close and statesmanlike interpretation of the announcement of policy of the twentieth August. It adhered religiously both to the spirit of that pledge and to the precise limitations attached to it. To begin at the bottom

"The individual," says the Report, "understands best the matters which concern him and of which he has experience; and he is likely to handle best the things which he understands. Our predecessors perceived this before us and placed such matters to some extent under popular control. Our aim should be to bring them entirely under such control. This brings us to our first formula:—There should be as far as possible complete popular control in local bodies and the largest possible independence for them of outside control".

At the apex, on the other hand, no transfer of power could be made at the start. For one thing, India must be defended, and while this primary duty was entrusted to a British army of occupation and an Indian army of mercenaries—to use the word in a purely scientific way for the sake of accuracy, without detracting from the many merits of the brave troops or without meaning any offence—officered by Englishmen, and otherwise also deliberately kept seriously defective in training and equipment and influence in the country, and as deliberately diluted with wild and frontier tribes and clans who were only half-Indian in sentiment and could only furnish mere fighting machines and food for powder,—the British soldier and officer was necessarily the keystone of the arch. It is one of the fundamentals of modern political thought that the civil power must be supreme in a well-governed state. Can the supreme civil power in a self-governing India control such an army as exists today for the defence of India? Any one who thinks the matter out must see that while the present army lasts, the Government of India cannot be other than an agent of the British power, and that a fully self-

governing India cannot be created faster than a fully Indianised army and navy. Any one who holds different convictions lives in dreamland. This English army has got to be replaced by an Indian, the reduction of the one can only go on as fast as the creation of the other, and the two processes have to be dovetailed into each other and carried forward to completion as a single operation, presenting all along to the gaze of the world a single, solid, efficient army, strong and well-knit enough for any emergency.

" The responsibility for India's defence," says the Report, " is the ultimate burden which rests on the Government of India; and it is the last duty of all which can be committed to inexperienced or unskilful hands So long as India depends for her internal and external security upon the army and navy of the United Kingdom, the measure of self-determination which she enjoys must be inevitably limited. We cannot think that Parliament would consent to the employment of British arms in support of a policy over which it had no control and of which it might disapprove. The defence of India is an Imperial question; and for this reason tbe Government of India must retain both the power and the means of discharging its responsibilities for the defence of the country and to the Empire as a whole."

Hence the only constitutional changes proposed in the Government of India were: (1) more Indians in the Executive Council, and (2) a bi-cameral legislature with a larger elected proportion in the more numerous and popular house, in order that even while the legislature had little increase of power, it might as the organ of Indian public opinion exert a growing influence upon government in their deliberations. A detailed study of these proposals was unnecessary as the clauses of the Bill embodying them were radically improved by the Joint Select Committee. [16]

The most fundamental of the changes proposed related to the provinces. Hitherto these governments were, strictly speaking, merely administrations or agencies, and the majority, moreover, one-man agencies of the Simla-Dehli autocracy. Amongst the functions they discharged there

16. Compare Part II of the Bill as originally drafted and as amended by the Committee.

were a number "which afforded most opportunity for local knowledge and social service, which stood most in need of development, in which Indians had shown themselves keenly interested, and in which mistakes, though serious, would not be irremediable." The Report proposed to initiate the experiment of responsible government with reference to these functions. It was impossible to introduce responsibility to the people into a one-man system, hence all provinces in which the experiment was to be tried, were to have the council form of government. And the members of council placed in charge of the subjects just indicated, which were to be known as "transferred" subjects, were to be responsible—not to parliament and the Secretary of State and their agent the Government of India, but—to provincial legislatures mainly composed of representatives elected by constituencies to be formed on a wide or low franchise. With reference to these functions, the elected legislatures were to be the legally "sovereign" bodies, properly to be regarded as "parliaments," the members of council concerned were to be their responsible "executive," and the head of the province himself was to be, with reference to these functions, a strictly "constitutional" functionary, taking action or abstaining, according to the deliberate (and mostly recorded) decisions of his accredited counsellors, who were therefore, fully entitled to be called his "ministers." And the Report insisted, further, that the transfer from autocracy or dependence upon England to popular responsibility or self-government, must not only be introduced from the first on a substantial scale, but also that it should be steadily carried out as a continuous operation, more and more functions of the provincial government being so transferred at short intervals, until, within a measurable period of time, the same operation could also be undertaken with regard to the Government of India itself. Thus was the English autocracy to evolve by stages, and within a generation or so, into a fully self-governing Indian democracy within the

Empire, an equal partner of the world-wide Indo—British Commonwealth.

"Our conception of the eventual future of India," the Report concluded, "was a sisterhood of States, self-governing in all matters of purely local or provincial interest, in some cases corresponding to existing provinces, in others perhaps modified in area according to the character and economic interests of their people. Over this congeries of States would preside a central Government, increasingly representative of and responsible to the people of all of them; dealing with matters, both internal and external of common interest to the whole of India; acting as arbiter in inter-state relations, and representing the interests of all India on equal terms with the self-governing units of the British Empire."17

The Franchise and Functions Committees were appointed in October 1918 and reported in the following February: the Government of India submitted their own views along with such important documents as the Minute of five heads of provinces and the dissenting Minute of Sir Sankaran Nair, in April; Lord Crewe's committee examined another section of the field—the changes indicated as advisable by the Montagu-Chelmsford Report in the powers and position of the Secretary of State, the composition and powers of the India Council, the working and organisation of the India office, and allied matters; and the first sketch of a new constitution to embody the departure of principle solemnly promised by the announcement of 1917 being thus prepared for all the parts of a complex structure, the Bill "to make further provision with respect to the Government of India" was introduced in the commons at the end of May, read a second time on June 5th, referred with the consent of the lords to a joint select committee of both, the commons appointing seven members

17 The best brief summary of the proposals of the report is to be found in Mr. Montagu's and Mr. Chamberlain's Indian Budget Debate speeches, 6-8-1918; see also Lord Islington's speech in the lords on the same date. For an independent summary with criticism, helpful because fully accepting the underlying principles, see *Round Table* viii pp 778-802.

on July 3rd, and the lords an equal number on July 7th, and the committee started work on July 10th, electing Lord Selborne as their chairman. They worked through the recess, completed the examination of witnesses—68 in number, including heads of provinces, members of council (the India Council, G. G.'s council, provincial councils), members of deputations who had come over to England to represent the views of the Congress, the League, the moderate party, the Home Rulers, the Anglo-Indians, the Christians, the non-Brahmans, the Indian suffragettes, and other organised interests and sections, and independent observers of eminence like H. H. the Aga Khan, Sir Michael Sadler, and Mr. Lionel Curtis—on the 15th October, spent another month over the Bill, threshing it out thoroughly clause by clause, and reported on November 17th, 1919. The result was commensurate with the labour. Lord Selborne claimed, a little later, with perfect justice, that in altering and adding to the original draft, the aim of his committee was "to remove all possible causes of friction, to remove all shams, to fix responsibility everywhere, and to leave the executive with real weapons to fulfil its responsibilities." Lord Sinha advanced, with equal justice, another claim for the Bill as it was finally fashioned by the Committee: "we expect mistakes," by the responsible provincial executives, legislatures, and their new political masters, the electorates; "but we claim that we have provided in this Bill every reasonable safeguard and every device possible to minimise the seriousness of their results." The Bill as thus recast by the Committee passed the Commons on December 5th, the Lords read it a second time the following week, passed it on December 18th, and this Government of India (Amendment) Act, 1919, received the royal assent five days later. Thus were the fetters of the Government of India Act, 1858, broken at length and flung over the shoulder into the gulf behind, out of which the pilgrim path winds forward and upward to the radiant shrine of Freedom. For the

key-word, unlocking the heart of the new Act, is not dyarchy, or step-by-step, but self-government. The dynasty of the I. C. S. members of council is over; the new line of Ministers dawns on the Indian horizon.

The birth of the new era was attended, however, by circumstances which unfortunately veiled its real nature more and more from the vast majority in this country. From the middle of 1918 onwards the Great War suddenly took a new turn. The enemy showed signs of exhaustion which multiplied rapidly. A month or two more and he collapsed. And with that a wave of extreme distrust passed through India. Fear usurped the throne in all minds, that under the altered circumstances parliament might listen much more to the services and the Anglo-Indians, and their representatives and friends in England, the Indo-British Association and the Chambers of Commerce, and very much less to their own pleas and representations. Other events also occurred, great and small, which were widely interpreted as signs justifying the initial distrust, and so increased it. The opinions of the provincial governments on the Reforms, the Minute of the five heads of provinces, the despatches of the Government of India itself, were followed by the far graver incidents of the introduction of the Rowlatt Bills into the Indian, and of the Asiatic Trading and Land Bill into the South African, legislatures. In April occurred that terrible chapter of events in the Punjab which defied description in measured terms; events which made it impossible for Sir Sankaran Nair to remain as a member of the Government of India and compelled Rabindranath Tagore to renounce his knighthood; events about which, later, even the Duke of Connaught could only say—"No one can deplore them more intensely than I do myself." Longcontinued and acute economic distress followed by actual famine in extensive areas, an influenza epidemic killing off over five millions in under five months, strikes in industrial areas, and the Afghan

War must be added to the tale; and the deeprooted feeling for the Khilafat and for Turkey and the sacred places of Islam, simmering in dumb and blind masses, until it shot up by the thousand to the bewildered gaze of the twentieth century the *muhajrin* emigrant, that mediaeval figure of pure tragedy. When eighteen thousand actually went across the border in this manner, it is easy to imagine how many more must also have been in the throes of a distressing mental storm for months, until finally in their cases the worldly anchors held. Take these influences together in their interactions and it is not too much to say that the stars in their courses appeared to have conspired for a time to convert all India to extremism with a vengeance. Large masses altogether innocent of politics had been lifted up to the level of interested spectators by the Great War, and movements like the Satyagraha campaign and the efforts of social and political workers to organise the millhands, postal peons, and other labourers, swelled the volume the din and the violence of agitation, and the wonder really is, not that extremist ideologues should have acquired unprecedented influence in Indian politics, or that milder natures like Pandit Madan Mohan Malaviya should have been brushed aside for the moment, but that a small but resolute battalion of elderly Moderates succeeded, nevertheless, in keeping their own flag flying in Indian politics and journalism. They saw the possibility of the scheme being wrecked by its determined foes, in the course of the deliberations of the Joint Select Committee and during its passage through Parliament, unless the average M. P. could have before his eyes a body of influential and responsible Indians, actively supporting it and ready to work it fairly for all it was worth when finally adopted. And they acted accordingly. Thus was the new constitution of Indian self-government by progressive responsibility conceived during the throes of the Great War, the pledges and appeals of Woodrow

Wilson and Lloyd George, the ambitions of the Dominions, and the scientific inquiries and moral convictions of students like Sir William Duke, Lionel Curtis, and Professor Keith chalked out the line of advance, the magnificent services of the Indian soldier and the no less inestimable offerings of the Indian civilian tied the hands of people like Lord Curzon, statesmen like Chamberlain, Montague, Lord Selborne and Lord Crewe identified themselves with the reform and moulded it in detail, and while the Indian extremist convinced the average Englishman that delay or curtailment would lead straight to anarchy, the Indian moderate convinced him no less that the scheme actually proposed would be welcomed, loyally worked and actively pushed forward to its invitable goal—the well—being, freedom and elevation of one-fifth of the human race, through autonomous evolution.

Montague-Chelmsford: Report I. C. R.

Joint Select Committee: Report, with minutes of evidence.

Indian National Congress, Moderate and *other* Conferences: Reports, 1914—1919.

L. Curtis: Dyarchy.

Mukharji: The Indian Constitution, parts I and II.

India in 1919: India in 1920: annual official publications.

CHAPTER XIII.

THE DAWN.

§ *63 The Changes* introduced by the Government of India Act, 1919, are so thorough and farreaching as to amount to a revolution. In inaugurating the new central legislature on February 9th, 1921, Lord Chelmsford said,

"History is a continuous process. In human affairs, as in nature, there are no absolute beginnings; and however great the changes that may be compressed in a few crowded years, they are to the eye of the historian the inevitable consequences of other changes sometimes but little noticed or understood at the time, which have preceded them....In the last analysis, the declaration of August 1917 is only the most recent and most memorable manifestation of a tendency that has been operative throughout British rule. But there are changes of degree so great as to be changes of kind and this is one of them."

It is true of course that the growing number influence and pressure of the Indian nationalists and the tendency to freedom and representative institutions inherent in English history, are quite sufficient as the remote or general causes, and the particular ideals and impatiences generated by, and the unprecedented services and sacrifices of India during, the Great War, as the immediate compelling causes, to account for the new departure and to indicate the root principles of its development. Still none can overlook the personal factor of that devoted indomitable potter at the wheel, E. S. Montagu, the Secretary of State for India at this crisis in our history, permitting nothing whatever in the Three Worlds (लोक)—nothing however familiar or unusual—neither the Armistice nor the Punjab frightfulness, nor the inherent bias of the services, nor the still more inherent dilatoriness of the parliamentary machine—to slacken the motion of the wheel, his deft fingers incessantly moulding the wet earth brought up in lumps by his experts, his committees, and their witnesses, until the precious vase was ready in its final shape and articulate individuality for the furnace of actual experience. Montagu is beyond all question the father of the new era in India, and he is doubly lucky in having been able to obtain for his offspring the benediction of his great predecessor, Lord Morley.[1]

1 Lord Morley said, 25-7-1918, at the National Liberal Club, when Lady Beg performed the ceremony of unveiling his bust, presented by Indian admirers:—"He felt he could not be mistaken in tracing the lineaments of the parental physicgnomy of 1909 in the progeny of 1918. He had been reproached for stating that he would not take part in a reform that might lead to an Indian parliament. He would like to know what was meant by a parliament. He did not know whether the outcome of the proposals now before the country would amount to a parliament, or what sort of a parliament it would be. Therefore that might well be postponed" (*India*, 2-8-1918).

And, moreover, it cannot be too emphatically asserted that the changes are not merely the natural development of a long antecedent process, but, in their depth and scope, do constitute a new era altogether; indeed, they initiate a political revolution as radical and noble as —and (of course) on a scale far greater than—that in 1869, which in a few decades created Modern Japan, or as that other revolution, with a longer period of gestation punctuated by wars, which gave Modern Italy to the world, a unified national constitutional monarchy.

In responsible government of the parliamentary type the centre of authority or the working sovereign, in all matters political, executive, and legislative, is the cabinet or ministry. Popular sovereignty in this type of constitution is the *de facto* sovereignty of ministers responsible to the electors. The institution grew up in England as the result of a long historical process; it has been imitated in many a country from France to New Zealand, with more or less success, developing some novel features in most of them; and it is this type of self-government which the Act of 1919 seeks to introduce here, as "the one" remaining blessing, "without which the progress of a country cannot be consummated."[2] The changes in the provincial executives and legislatures are thus fundamental features of the new constitution, on account of which arise the corresponding changes introduced in the other parts of the structure. Eight[3] of the provinces—Madras, Bombay, Bengal, U. P., Punjab, Bihar and Orissa, C. P. and Berar, and Assam—now become Governments. Instead of depending upon the Government of India, they will now have their own loans, taxes, and budgets, and their money proposals, arising out of their annual budget statements, are to be submitted to the vote of their respective legislatures in the form of demands for grants, any of which or any of its component items, these legislatures might refuse or reduce in amount. [**2**-Cons **30** (1 a); **10** (3 a, b)—Cons **80 A** (3 a, b);

2. Royal Proclamation, 23-12-1919. Mukharji: *English Constitution*, pp. 39-43, cites passages from some authoritative wrietrs on the growth of Responsible Government in the Dominions.

3. It has been decided to bring Burma also under the Act of 1919,

11 (2, 3)—Cons **72 D** (1-4)].[4] There are of course limitations to the exercise of these powers and checks upon it. And the spirit of impatience distrust and opposition is so rampant today that a great deal too much is made of this. The far more important fact undoubtedly is that these limitations and checks are, in letter as well as in spirit, exceptional in character and to be maintained only for a time, until the transition from the status of a conquered dependency subject to England to the higher one of a self-governing equal and friendly partner of the British Commonwealth is fully accomplished. The provincial legislatures set up under the Act are sovereign bodies *in posse,* although for a time they are requested to behave like an heir who is under age, the Governor in Council being placed in the position of a guardian. This period of transition cannot be indefinitely prolonged [41—Cons 84 *A*]. Nor is the executive to behave during the transition as before, as an autocracy or the agent of an autocracy, but as a guardian holding himself ready to be relieved of his exceptional burden as soon as possible, and pledged in the meanwhile to discharge his duties strictly according to the provisions of the Act and under the eye of parliament, and so as to "further the purposes of the Act to the end that the institutions and methods of government therein provided shall be laid upon the best and surest foundations, that the people of the presidency (or province) shall acquire such habits of political action and respect such conventions as will best and soonest fit them for self-government."[5] *Fronti nulla fides,* once bit twice

4. The Act of 1919 (9 and 10 Geo. 5. ch 101) was so drafted as to become automatically merged in the Government of India Acts, 1915 and 1916 (5 and 6 Geo. 5, ch 61 and 6 and 7 Geo. 5, ch 37), which had consolidated all the earlier enactments. In fact, the digest which formed ch 3 of **Ilbert:** *Government of India* (first published 1898) had been prepared with a view to facilitate such consolidation. Thus this finally consolidated Act of 1915, 1916, and 1919, is the authoritative parliamentary enactment for our new constitution along with the rules and regulations under it. The references above are first to the section of the Act of 1919 and then to that of the consolidated Act, to which latter is prefixed the abbreviation-Cons.

5 Instructions to Heads of "governors' provinces", viz: the nine provinces enumerated above. A "governor's province" is defined, sec **3** (Cons 46). The only difference now remaining between presidencies and the rest of these provinces is that the heads of the latter, to be also appointed by warrant under the Royal Sign Manual, "shall be appointed after consultation with the Governor-General." The salary of the head of the U. P. has been recently raised to that of a presidency governor. Thus there will be four presidencies, and members of the I. C. S. will be frequently appointed as heads only in the other five provinces.

shy, are undoubtedly good rules of prudence; politics diplomacy and all strategy, too, are the most important spheres for the application of such maxims, but it is sometimes the duty of the historical student to warn the young India of to day that the younger India of the next decade will in all probability condemn the distrust of to-day as going to unreasonable lengths.

The new provincial legislatures differ *toto caelo* from the Morley legilatures they displace. They are larger in the proportion of three to eight; the elected members are to be at least seventy per cent of the total, elected, moreover, directly by large constituencies;[6] the number of

	Footnote 6		MADRAS	BOMBAY	BENGAL	U. P.	PUNJAB	B. & O.	C. P. & B.	ASSAM	TOTAL.
ELECTED	General Electorates	R	56	35	35	52	13	42	31	20	
		U	9	11	11	8	7	6	9	1	
		Total	65	46	46	60	20	48	40		346
	COMMUNAL ELECTORATES	MR	11	22	33	25	27	15	6	12	
		MU	2	5	6	4	5	3	1	...	
		E	1	2	5	1	...	1	...	..	
		A	1	...	2	...	...	...	...	...	
		IC	5	...	...	...	...	...	...	...	
		S	...	...	...	...	12	...	...	...	
		Total	20	29	46	30	44	19	7	12	207
	Special Electorates	H	1	1	1	1	1	1	...	...	
		L	6	3	5	6	4	5	3	...	
		C	6	7	15	3	2	3	3	6	
		Total	13	11	21	10	7	9	6		83
	TOTAL		98	86	113	100	71	76	53	39	636
NOMINATED		O	23	20	20	18	16	18	10	9	
		N	6	5	6	5	6	9	7	5	
		Total	29	25	26	23	22	27	7	14	183
GRAND TOTAL			127	111	139	123	93	103	70	5	819
NUMBER OF VOTERS IN 000			1248	548	1020	1348	506	328	145	203	5346

(See page 420)

official (and *ex-officio*) members is not to exceed one-fifth, nor can that of non-official nominated members along with official exceed three-tenths;[7] the head of the province is

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(Concluded from page 419)

R stands for Rural; U, Urban; M, Mohammadan; E, European: A, Anglo Indian; I C, Indian Christian; S, Sikh; H, University; L, Land-holder; C, Commerce and Industry including Planting and Mining; O, Official, nominated and ex-officio; F, non-official, nomiuated.

Bengal will have 140 when the Dacca University gets the franchise; the Berar elected members (17) though technically nominated, are shown in the above Table in their proper groups of elected members; when the Nagpur University comes into existence and gets the franchise the number of elected members; in the province will increase and that of nominated members decrease, by 1. Shillong (Assam) is a general constituency including M along with others in one list of voters, as there is no M U constituency in the province. The M electorates give 177 out of the total number of 636 elected members; and some few M more would certainly almost get into the councils through the special electorates also.

7 The nominated non-official members are to be selected so as to provide for minorities and interests not likely to make themselves heard in the legislature independently of official channels. Of the numbers in this group provided as shown in the Table, the Backward Tracts are to have—C. P. and Behar and Orissa, 2 each; Madras and Assam, 1 each. The Depressed Classes are to have—C. P. and Behar and Orissa, 2 each Bombay, Bengal and U. P., 1 each. In Madras communities like the Paraiyans are specially named, and are to have in all 5 nominated members. Labour is to have—in Bengal, 2; in Bombay, Behar and Orissa, and Assam, 1 each. Then we come to very small minorities at the upper end of our heterogeneous population. The Bengalis domiciled in Behar and Orissa are to have 1 member; the soldiers and army officers in the Punjab, 1 member. The Indian Christians have elected representatives only in Madras; they are to have nominees—in Bengal, 2, in the other four provinces excepting Assam and C. P., 1 each. The Europeans have no electorates in three provinces, but out of these they are to have a nominee in one–the Punjab. There are Anglo-Indian electorates in Madras and Bengal; they will have a nominee in each of the same provinces as the Indian Christians; and in C. P. the Europeans and Anglo-Indians together are to have a nominee. For the communal electorates it is explicitly laid down that the representatives should themselves belong to the respective communities. Hence this rule is also to be followed in nominations, as far as possible. Lastly, the Cotton trade in Bombay is to have a nominee and interests and industries other than Planting and Mining are to have 2 in Behar and Orissa. Thus of the nominations in all, only 9 are left to the entire discretion of the executive. Over and above this maximum, experts can also be nominated, not more than 1 in Assam, not more than 2 elsewhere.

not to be a member though he has the right of addressing his legislature, the president is to be, after the first four years, a member of the legislature elected to the position by the legislature itself; and the interval between a dissolution and the next session is not to exceed six months, or, without the sanction of the Secretary of State, nine months [**7 to 9**—Cons **72 A, 72 B, 72 C; 44**—Cons **129 A**; Govt. of India Notification No. 767 F of 29-7-1920 and No. 880 F of 27-9-1920].

Rulers and subjects of native states in India are not to be held disqualified merely because of that status as voters or as candidates for election. The disqualification of sex may be removed by any of the new legislatures by resolution for its own province. Adults of sound mind and not otherwise disqualified are entitled to a vote by residence[8] within the constituency if they are retired pensioned or discharged officers, non-commissioned officers, or soldiers of the Indian army, or if they have the necessary property qualification. This varies from province to province and even in the same province is not the same for rural as for urban areas, or even for all rural or all urban areas. Every one possessing all the qualifications is entitled to have his name enrolled either in the general or in one of the communal constituency lists of the locality,[8] and every one so enrolled has the vote; and he may have another vote also if he can claim to be a member of any of the special electorates. Of these the University electorate is widened by the inclusion of all graduates of seven years standing: this is probably the only constituency with a uniform qualification all over India. The Marathas in Bombay and the Non-Brahmans in Madras sought special communal electorates for themselves. They obtained instead the concession of reserved seats. Bombay City North returns three members; the Thana, Ahmadnagar,

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8 Residence within the constituency is required for a candidate in Bombay, C. P. and Berar, and the Punjab, but not in the other provinces.

Nasik, Poona and Ratnagiri districts return two each; one of the seats in these six constituencies is reserved for Marathas. The Sholapur, Kolaba and West Khandesh Districts are also to be reserved for them in rotation; out of three successive elections each of these will return a Maratha once, and no two of them will do so simultaneously. Thus of the eighty-six seats for elected members on the Bombay Council seven are reserved for Marathas. In the Madras Council twenty-eight seats are similarly reserved out of ninetyeight for the Non-Brahmans, although they are to the Brahmans there as 22 : 1 in population and as 4 : 1 in voting strength. The very fact that their preponderance of 22 : 1 in numbers dwindles down to 4 : 1 in voting strength is eloquent as to their poverty, and affords some indication of the passionate resentment felt by their more extreme leaders against the dominant, domineering, and it must also be added, intolerant Brahman of the South. The cleavage between the depressed classes and the Hindu masses is equally sharp and is to be met with nearly all over India. Until economic, social and religious forces bring about a revolution, there cannot be a real democracy in our country. And political institutions and changes are helpful or the reverse in proportion as they accelerate such a revolution, and enable us to get through the period of transition without the growing self-consciousness of the various communities setting up strains too severe to bear for the structure as a whole. Communal representation, either through special electorates or by means of reserved seats, is a device to broaden the outlook of the community. It compels the representative in the legislature to place his instinctive and rooted communal stand-point *vis à vis* the national standpoint and every time judge for himself and on the merits. Burke's distinction between the mere delegate and the representative of the nation has a merely geographical content in a homogeneous people, but rises to fundamental importance in a vast land like ours with such heterogeneous populations. Communal representa-

tion succeeds in proportion as it leads communal representatives on to become national statesmen, and elevates the better mind of the community itself through its chosen leaders from communal selfishness to general patriotism. By way of illustration, I may quote here the judgment on Gokhle and on Tilak of one of the few independent minds I have known, a mind that showed rare independence in admiring both these leaders simultaneously at a time when for the average Indian to admire either of the two was to look down upon the other. "There is a radical difference", he used to say, "between these two great Deccanis. I admire Gokhle all the more just because there is so little of the prejudices of the average Deccani in him. And I cannot admire Tilak as much as I should like to, just because he is of Deccani prejudices all compact, almost an incarnation, so to say, of some of the worst of them. But take the average Deccani, and look at these two men from his average point of view. Can you not see that Tilak is to him a hero after his own heart, which Gokhle can never be? It is absurd to expect much reason in, or to quarrel with, mere mass admirations. I too admire Tilak, but do so for traits of his of which the mass know, or can make, absolutely nothing."

Sections 10 to 13 of the Act of 1919, reappearing as sections 80 A, 72 D, 81 A, and 72 E of the consolidated Government of India Act, deal with the powers of these Councils. They cannot make any law affecting any Act of Parliament. But other restrictions to their power are either due to the fact that there will always be a central Government of India with its own functions and responsibilities and its own legislature and executive to cope with them, or are only imposed for the brief period of training necessary for the constituencies to awake to the fact that they are now the real sovereign, and to enable them to master the modern democratic machinery through which they have to elect their rulers, and rewarding them with their support or punishing them by its withdrawal,

impose their will upon the policy, administration, taxation and laws of the state. Hence during this period of transition only a section of the provincial executive and only those functions which this section of it deals with are fully subject to the power of the provincial council. But it will also have an influence, far greater than in the past and rapidly growing, upon the alien and official members of the executive and the functions in their charge. This is inevitable. The legislature is now a large and representative body with an overwhelming preponderance of elected members. The entire foundation of the state is altered by the change, and a new goal is set in unequivocal terms before the eyes of the executive. And to the head of the province is assigned the new role of making for this haven by respecting the popular will as far as possible even in matters which, for the moment, are excluded from its control and left to his discretion. It is unreasonable to assume that his responsible advisers on such matters, the members of the executive council, will always or even usually take extreme views; but even when they did so, they cannot prevent a new law or obtain any law or grant in spite of the legislature and over its head, unless they can convert the Governor to their own view at confidential meetings of the executive where the elected members of it will also be present, to urge him to consider for himself all that can be said on behalf of the view expressed and the attitude manifested by the chamber. And he and the ministers will always have at a crisis at least one other individual at headquarters of tried independence and impartiality to consult privately in cases of doubt, viz. the president of the chamber. Thus, while the sections referred to will be found to be full of what the legislature "may not do" at all or without the previous sanction of the governor general, and of what the Governor 'shall have power' to do, or to 'certify,' or to return to the legislature for reconsideration, or to reserve for the consideration of the Governor General, the lay reader

should be careful not to miss the wood for these trees. Legal phraseology lacks the art of distributing emphasis, sacrificing almost everything else to the minute and exhaustive tabulation of details. The living essence and the guiding principle of a change, however revolutionary, it generally buries under a mass of exceptions, burying some of these again still deeper under little cumuli of counter-exceptions. And some of these exceptions will have always to be kept since, as said above, there will always be the Government of India ruling the province along with its own Government. But the rest will lose their force as we advance, and even from the first moment of their birth the new legislatures are not merely advisory bodies like their predecessors, but responsible and ruling bodies endowed with budget rights and a real power of initiative and control, with the moral support of the people behind them; and the new ministers are factors in the structure of the provincial sovereign of far greater moment than their predecessors, the Indian members of council created by Lord Morley. The change has had, as we saw in the last chapter, a most unfavourable start. The special session of the Congress and the Moslem League at Calcutta (September 1920) adopted Non-Co-operation, and their usual annual session, held in the Christmas holidays at Nagpur, altered the first article of the constitution of the Indian National Congress so as to eliminate from it all reference to the British Empire.[9] These non-co-operators made every effort to

9 **Article I** of the political creed of the Indian educated classes as accepted by the Hindus from the Congress of 1908 and by the Muhammadans from a somewhat later date:—The objects of the Indian National Congress are the attainment by the people of India of a system of government similar to that enjoyed by the self-governing members of the British Empire and a participation by them in the rights and responsibilities of the Empire on equal terms with those members. These objects are to be achieved by constitutional means, by bringing about a steady reform of the existing system of administration and by promoting national unity, fostering public spirit and developing and organising the intellectual, moral, economic, and industrial resources of the country. (For the constitution of the Indian National Congress as a whole and how it grew up see A. C. Mazumdar: *Indian National Evolution*, Appendix A).

Article I as amended at **Nagpur**:—The object of the Indian National Congress is the attainment of Swarajya by the people of India by all legitimate and peaceful means.

M. K. Gandhi calls himself a disciple of Gokhle, but Gokhle would never have subscribed to the change.

render the first elections under the Act futile. With only a few exceptions prominent non-co-operators declined to stand for the new legislatures. To induce the voters themselves to non-co-operate,—

"Meetings were broken up, candidates were threatened, polling booths were picketed. Social boycott was resorted to. Religious sentiment was appealed to. It was even reported that in one place religious mendicants were openly declaring that any one who voted for a particular candidate would be guilty of killing one hundred kine." Indian elections with over five million electors, including a high percentage of rural and illiterate voters, are certain to present novel features for some time to come. No candidate came forward at all for 6 seats out of 774. And 535 of the seats were contested by 1718 candidates. City constituencies had lower polls that rural. Only 8 per cent. of the voters exercised their choice in Bombay City; at the other extreme stood some of the Madras cities with a 70 per cent. poll. In the Punjab 32 per cent. of the urban and 36 per cent. of the rural electors registered their votes. On the whole, in the contested elections, of the five and one-third million voters for the provincial legislatures over a million and one-third; of the 91 lakh voters for the legislative assembly over 18 lakhs and one-fourth ; and of the 17 thousand for the Council of State nearly eight thousand recorded their votes.[10]

The elevation of provincial administrations to the status of governments has also required the introduction of real decentralisation or devolution into the functions of government. We have seen the administration branching out into one department after another, and secretariats developing like nerve ganglia at headquarters. The system as it grew lived for its own growth until no discretion or initiative was possible at the extremities. But this was seen to involve too much unnecessary waste, and efforts were made from the time of Lord Mayo onwards to reduce this and develop a sense of responsibility at each ganglion. Liberals like Lord Ripon and Lord Morley wanted to create the spirit of freedom at each province and at each social and economic centre within the province, experiments were tried, commissions reported, various starts were made, admirable resolutions were indited, and beauti-

10 *India in 1920*, pp 65–6 and 248.

ful paper schemes were sketched, but the Supreme Government of India as established by the Act of 1858 blocked the way. The Great War alone generated the creative heat that melted these ancient and rigid fetters; the Great War also threw up the keen analytical intellects, the broad-minded statesmen and the clear-eyed administrators who devised planned and translated into a concrete structure a new constitution under which this vast subcontinent (which had various intensely self-conscious communities with, here and there, gleams of genuine national sentiment), might evolve peacefully rapidly and without a breach of continuity with the past into a self-governing federation master of its own fate. Such a federation implies primary states combining together to form a new state at the centre for common purposes, by restricting their own sovereignty to the extent that they endow the central state with it. Here the only sovereign within sight was the British Parliament autocratically ruling over hundreds of millions of subjects. But there was the democratic dogma of the sovereignty of the people which had gathered force, and became transformed in Europe in the course of the nineteenth century into the sacred principle of nationality, and in the Great War, as we saw, the Allied Powers were fain to draw recruits to their standards from all over the world, by solemnly proclaiming that, if the truth were to be told, it was that principle they were really fighting for. The Act of 1919, then, picks out over six millions of Indians, gives them the franchise, raises them to the status of citizens, and organises them into over seven hundred constituencies sending their representatives to legislative bodies. The Act further classifies the functions of government into central and provincial, and the latter again into reserved and transferred. The central functions are for the central power or the Government of India; the provincial, for the eight (eventually nine) provincial powers or Governors' governments. Each of these latter is a structure of

two wheels, both running together through the mechanism of a chain, viz. the representative of the Crown. The reserved provincial functions are for the Governor in Council;[11] the transferred provincial functions are for the Governor acting with ministers. The Governor in Council is the part that is

11. We have seen that the presidencies had three members of council from 1919 onwards (p. 98 *ante*). Behar and Orissa obtained an executive council from 1912. The consolidated Act, 1915 and 1916, provided that a Governor's executive council shall be of such number not exceeding four as the S. S. directs, and that two of these must be servants of the Crown in India of at least 12 years' standing [47 (1, 2)]. The Act of 1919 by raising five other provinces (including Behar and Orissa) to the status of governor's provinces [3 (1)—Cons 46 (1)] gave them all executive councils and also ministers. Legislation only laid down the maximum number of members of council and the principle that not less than half the number in any council must be servants of the Crown at the date of their appointment. As in Lord Morley's day the services, through their spokesman the Government of India and their representatives in the Lords and Commons, fought hard to maintain their own predominance in the executive government. Aristocracies and bureaucracies always fight hard and yield only inch by inch. It is their nature to do so, they cannot help it, and it should not be resented. The Joint Select Committee decided—"that in no province will there be need for less than two ministers, while in some more will be required." "That if in any province the executive council includes two members with service qualifications, neither of whom is by birth an Indian, it should also include two unofficial Indian members"; "that the status of ministers should be similar to that of the members of the executive council"; that in business coming up for cabinet consultation "the habit should be carefully fostered of joint deliberation between members of council and ministers sitting under the Governor as chairman. There cannot be too much mutual advice and consultation; but the committee attach the highest importance to the principle that when once opinions have been freely exchanged, there ought then to be no doubt whatever as to where the responsibility for the decision lies; reserved subject decisions should be recorded separately by the executive council, transferred subjects decisions by the ministers, and all acts and proceedings of the Government should state in definite terms on which half of the dyarchy the responsibility for a particular decision rests. The Governor may have to hold the balance between divergent policies and different ideals, and to prevent discord and friction." "If after hearing all, ministers should decide not to adopt the Governor's advice, the Governor should ordinarily allow them to have their way fixing the responsibility upon them, even if it may subsequently be necessary for him to veto any particular legislation." The Instructions to Governors faithfully embody these decisions and recommendations.

brought over from the past, the Governor with ministers is the newly constructed part. The intention is that the new is to eclipse the old from the first and grow in lustre by absorbing more and more of it from the old, until shorn of all its lustre the old sinks into darkness, and all power shines forth exclusively from the new Governor and Ministers. Constitution-building is by no means a simple art, and the history of politics is full of the examples of celebrated constitution-builders who failed, their pious intentions notwithstanding. What grounds have we for anticipating that in this particular case the members of council will lose their power, although they have enjoyed an unbroken monopoly of it for so many decades? The Governor is the representative of the Crown and responsible to parliament for the reserved functions and to the voters of his province for the transferred functions. The ministers, his responsible advisers for the transferred functions, are elected members of the legislative chamber and responsible to it as well as drawing their real strength from it, just as is the case with ministers in England or in the colonies. The Governor appoints them; that today is not merely a form but also a fact. But as the chamber grows in experience and develops a collective mind and will, the Governor will cease to have much discretion in his choice of ministers. His appointment of them will become little more than a form, as the chamber becomes, in Seeley's phrase, the real minister—making organ. As soon as this happens the minister will have attained to the height of such power as he can command by virtue of his position as a minister. A member of council, on the other hand, is merely a departmental head. He is the expert agent, or to use the image that Montagu once applied to Lord Curzon, the chauffeur who can drive the car very much better than his employer. But at what speed is the car to be driven, in what direction, to what destination? It is for the employer to say. The paymaster is the

employer; and the paymaster under the new constitution is the chamber from the very beginning. For the present and for some time to come the chamber's voting of the grants for the reserved functions is no doubt merely a formality. But in a living constitution the growth of formalities into realities and the atrophy of realities into mere forms is always in process. As the chamber develops a collective mind and will, its budget right is certain to grow into one of its most real and fundamental privileges. The member of council was all-powerful only while the bureaucracy here wielded autocratic powers with the connivance of parliament. [**1**—Cons **45** A; **44**—Cons **129** A; Devolution Rules with Schedules [12] (Notification

12. Transferred subjects—I List. (1) Medical administration (2) Co-operative Societies (3) Religious and charitable endowments. (4) Development of industries, industrial research and technical education. II List (5) Libraries, Museums, and Zoological Gardens (excepting central institutions at Calcutta e. g. the Victoria Memorial). (6) Education (exc. European and Anglo-Indian education; the Benares Hindu University and future Universities; the Calcutta University and Bengal secondary education for the next five years; the extension of the jurisdiction of a University outside its province; special institutions such as Chiefs' Colleges, army educational institutions, and institutions for public servants and their children maintained by central government). (7) Stores and stationery for transferred departments (subject to rules by the S. S.) (8) Pilgrimages (except out of British India). And the following subjects, with certain reservations in each for the central legislature—(9) Local self-government. (10) Public health and sanitation and vital statistics. (11) Agriculture. (12) Civil Veterinary Department. (13) Registration of deeds &c. (14) Registration of births, deaths and marriages. (15) Adulteration of foodstuffs and other articles. (16) Weights and measures. III List. (17) Fisheries. (18) Excise (control of cultivation, manufacture, and sale for export of opium a central subject). (19) Public works (a detailed statement of the extent of transfer would fill more than a page). IV List. (20) Forests (legislation redisforestation of reserved forests a central subject.)

Subjects in lists I and II are transferred subjects in all the eight provinces; subject in list IV, only in Bombay; the subjects in list III in all provinces except Assam. 32 other subjects are named as provincial reserved subjects. "The Joint Select Committee add the very necessary caution that it must not be concluded that these partitions of the fuctions of government are absolutely clear cut and mutually exclusive. They must in all cases be read with the reservations in the text of the Functions Committee's Report, and with due regard to the necessity of special procedure in cases where their orbits overlap."

No 308 S, 16-10-1920); **3**—Cons **46**; **4**—Cons **52**; **6**—Cons **49**; Instructions to Governors].

To pass on to the Government of India. The Act creates a bicameral legislature, the smaller house to sit for five years and bear the name of the Council of State, the larger, to be known as the Legislative Assembly, to sit for three years only, unless dissolved earlier. As in the case of the provincial legislatures, the executive government are not to rule India without a legislature, for a period longer than six months or even with the permission of the Secretary of State longer than nine months. Both houses have an elected majority. The Council of State is to have sixty members, thirty-three elected, twenty officials nominated, six non-officials[13] and one elect-

13. The Legislative Assembly / The Council of State.

	Elected.							Nominated.			Total.	Voters. in 000
	G	M	S	EC	IC	L	Total.	O	N	Total.		
I	...	...	...	...	...	...	...	12/12	...	12/12	12/12	
M	10/4	3/1	...	1/0	1/0	1/0	16/5	2/1	2/1	4/2	20/7	260/2
B	7/3	4/2	...	2/1	2/0	1/0	16/6	2/1	4/1	6/2	22/8	129/3
Be	6/3	6/2	...	3/1	1/0	1/0	17/6	2/1	3/1	5/2	22/8	184/2
U.P.	8/3	6/2	...	1/0	...	1/0	16/5	2/1	1/1	3/2	19/7	168/3
P	3/1	6/1½	2/1	...	...	1/0	12/3½	1/1	1/2	2/3	14/6½	53/2
B&O	8/2½	3/1	...	...	...	1/0	12/3½	1/1	1/0	2/1	14/4½	66/2
C.P. & B.	4/2	1/0	...	...	...	1/0	6/2	1/0	2/1	3/0	9/2	25/·9
A	2/½	1/½	...	1/0	...	...	4/1	1/0	...	1/0	5/1	20/·3
Bu	3/1	...	...	1/1	...	...	4/2	1/0	...	1/0	5/2	2/2
Aj	...	...	...	...	...	...	...	...	1/0	1/0	1/0	...
D	...	...	...	...	...	...	...	0/1	...	0/1	0/1	·3/0
Grand Total ...							103/34			40/25	143/59	910/17

Remarks.—A stands for Assam; Aj, Ajmer; D, Delhi; I, Govt. of India &c. G stands for general electorates; M. Muslim; S, Sikh; EC European Commerce; L, Landholders &c.

ed representative from Berar nominated. The Legislative Assembly is to have not less than one hundred and forty members, and fifteen out of every twenty one are to be elected, and two out of the remaining nominated members, are to be non-official. The first house has one hundred and three elected members, twentyfive nominated officials, and fifteen (including an elected member from Berar) nominated non-officials.

The election for both chambers is direct.[14] The Council of State has a president nominated by the Governor General from among its members; but the president of the larger chamber is to be elected by the chamber itself after the first four years; the first president, nominated by the Government, has been chosen for his experience in the house of commons, and his knowledge of parliamentary procedure, precedents, and conventions; and he is expected not only to set the assembly going on right lines, but also to be the guide and adviser of the presidents of the provincial councils. On the powers of this new central legislature Lord Sinha's remarks in the course of his speech in the house of lords (11-12-1919) are illuminating:

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14 The Bombay constituencies for the legislative assembly are; Non-Muslim—Bombay city 2. N. D. 1, C. D. 2, S. D. 1, Sindh 1; total 7: Muslim—Bombay City 1, Sindh 1, Sindh or N. D., C. D. or S. D. 1 each by rotation, the first at the odd elections, the second at the even; total 4; Bombay European 2; Indian Merchants' Chamber and Bureau 1; Millowners—Bombay or Ahmadabad, by rotation, 1; Sindh Jagirdars and Jamindars or Gujrat and Deccan Sardars and Jagirdars, by rotation, 1; grand total 16. The Bombay constituencies for the Council of State are—the Non-Muslims returning 3 members; the Muslims of the presidency (excluding Sindh), 1; the Muslims of Sindh; the Bombay Chamber of Commerce. 1; grand total, 6. The Legislative Assembly franchise is a property qualification; the Council of State franchise is a property qualification or a personal distinction such as past or present membership of legislative councils, past or present tenure of office on a local authority, university distinction, the tenure of office in a co-operative banking society, or the holding of a title conferred for literary merit.

"Like the provincial legislatures," said his lordship, "the Indian Legislature is to have power for the first time to vote on certain portions of the Budget. That is to say, there will be the same provision for a consolidated fund 15 upon which they will not be able to vote; and further the Governor General will always be entitled, if he thinks necessary, to reject every vote on every item of the Budget. It may be argued that this change (giving budget right to the legislature) is inconsistent with the policy of" not introducing responsibility of the executive to the legislature, "in the Central Government. I am confident your lordships will agree that whatever technical inconsistency there may be, the change is sound and necessary. What is the position? In the first place, there can be no question of taking away any power which the Central Legislature at present enjoys. One of the powers it has enjoyed for the last ten years is power to propose and vote resolutions suggesting changes in the Budget, and this power it must retain. Hitherto the Government had its official majority to defeat any such resolution (though even if it had failed to defeat it, the resolution would have no binding effect). But this official majority the Government will not command in the future. Now, my lords, which is the sounder constitutional position, the position which augurs best for a sound judgment by the proposed statutory Commission ten years hence, and for amicable relations meanwhile,—that the Indian Legislature should be able, year after year, with no sense of responsibility flowing from a knowledge of the practical consequences of its vote, to vote by an overwhelming majority resolution after resolution recommending specific alterations which the Government is forced to ignore; or that the Legislature should be legally responsible for passing the Estimates and legally accountable for the results of any modifications they may

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15 Clause 25 (3) in the Act of 1919, reappearing as 67 A (3) in the consolidated Act, excludes from the vote of the legislature (i) interest and sinking fund charges on loans, (ii) expenditure of which the amount is prescribed by or under any law, (iii) salaries and pensions of persons appointed by or with the approval of H. M. or by the S.S. in Council, (iv) salaries of chief commissioners and judicial commissioners, and (v) expenditure classified by the order of the G. G. in Council as (a) ecclesiastical, (b) political, (c) defence. The powers of the executive to set aside a vote of the legislature when they "consider the expenditure essential to the discharge of their responsibilities" is safeguarded by sub-clause (7), and their emergency powers to authorise such expenditure as may be necessary for the safety or tranquillity of the country continue unchanged under sub-clause (8).

vote ?[16]...It is an important change but one which I am convinced is the logical and necessary result of constituting a representative Central Legislature. I have been a member of the Governor-General's Legislative Council, it is true in an official capacity, but none the less closely associated with all the non-official members. I can assure your lordships that the cleavage which has unfortunately shown itself so often of late between the non-official and the official members of that body, is largely due to the non-officials' sense of aloofness from the real difficulties and decisions of the Government. They felt—they can hardly help feeling—that they are outside the machine and not a real part of its working. I am confident that all that is required to obliterate that cleavage is an admission, with whatever safeguards and checks that might be found necessary, that the Legislature and all its members are an essential and working part of the machinery of Government, that the action or inaction of every member influences the working of the whole."

The two houses have not the same authority on money matters. Both houses discuss the money proposals of the executive in a general way; both discuss and pass resolutions on the subject; but appropriation or money bills–demands for particular items-originate only in the

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16 The Govt. of India objected:—"We are profoundly unwilling to accept the untried restorative power. It could not possibly be used as frequently as the situation will demand. If we admit that the Legislature may vote the Budget, we recognise that the Legislature has normally financial control and therefore may shape policy, except on those extreme occasions when the executive call up their last resources and overrule the Legislature." They supported their view by references to imperial policy, and to contested topics of revenue and expenditure, and pointed out that the normal control of finance and policy would in practice pass to the Legislature, since a state of chronic and sustained hostility between the Legislature and the Executive, which would inevitably arise out of a frequent use of the restorative power, would be unbearable in practice. "What we accept," they urged, "is the *influence* of the Legislature, what we definitely reject is this *control*." But the Joint Select Committee did not listen to them.

An examination of how the central and provincial executives have as a matter of fact respected the budget right of the legislatures during 1921, lies outside the scope of this book. Such an examination would show, however, that the executives have not asserted their legal rights on reserved and central subjects, except where absolutely necessary. Will this year's precedents solidify into established "conventions"? Will the executives continue to prove equally sympathetic in future? It all depends upon the future of "non-co-operation."

larger chamber.[17] Other bills originate equally in either chamber and go to the other. If amended there, the amended bill goes back to the originating chamber. When the latter is unable to accept these amendments, a *Joint Committee* with an equal number from each chamber is appointed; but a Joint Committee may also be appointed to deal with a bill at any earlier stage, and is the proper device to apply at the earliest stage to bills likely to be controversial, which involve legal or other technicalities, and seek to reduce to concrete legislation principles which though outside or above party contention in themselves create multifarious differences as to their application. Or the chambers might resort at any stage to a *Joint Conference*, with an equal number from each chamber, for the purpose of settling the differences, if possible, by common consent. Or, finally, the bill returns to the originating chamber, and neither chamber is willing to yield to the other, or accept any other compromise. In such cases within six months of the date at which the bill passed in the originating chamber, the Governor General in Council may refer the matter to a *Joint Sitting*, equal numbers representing each chamber, and the president of the Council of State taking the chair. The procedure at this joint sitting is to be the procedure of the Council of State, and the bill as passed by the joint sitting is to be held to have been passed by the legislature. Legislation such as this representative legislature will not pass although the executive consider it essential for the safety tranquillity or interests of the country, the executive retain the power of enacting by themselves, "provided that the ordinance will require the sanction of His Majesty before it becomes law,"

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17 A money bill, however, has to go up to the Council of State and must be passed by it, just like any other bill. In the very first budget under the new constitution, the Council of State modified the taxation proposals of the Assembly, and when the Finance Bill returned with amendments, the Assembly concurred, and the Bill passed as so amended.

and, in cases of emergency, the ordinance goes into effect at once, although liable, as hitherto, to be vetoed by His Majesty in Council.[18] Legislation, on the other hand which in the view of the executive ought not to pass would be legislation proposed by a private member. This could not be introduced without the previous sanction of the executive, and such sanction would be withheld when necessary, under the express provisions of the consolidated Act, if the measure affected the public debt or the public revenues, the discipline or maintenance of the army or the navy, the relations of India with native or foreign states, the religious rites and usages of any class of subjects, or any matter handed over to the provincial governments, or any law of a provincial or the central government. And after any bill is introduced, power is reserved to the executive to "certify" with regard to any section or amendment or to the bill as a whole that it affected the safety or tranquillity of the country, and the president of the chamber forth-with drops the subject. These being the facts, as soon as the chambers develop a collective mind and will, and if they only show the statesmanship to take their stand on great issues where they can have the country behind them, the Act makes the new legislature potentially the master in legislation, in finance, and even in policy; the only exceptions the Act provides for being—

A— a due regard for continuity with the past in policy and finance; and

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18 Lord Sinha's speech. "A very anomalous procedure to be most sparingly and reluctantly used; but to be used, whenever necessary, not to be regarded as something catastrophic and, for practical purposes, inadmissible"—Sir J. Brunyate. 'The Joint Select Committee believe that it would add strength to the Govt. of India to act before the world on its own responsibility." The Ordinances, whether going into effect at once as emergency measures or not, go before parliament, and the standing committee of parliament, and the action of H. M. in Council in these cases will invariably follow the constitutional advice so obtained.

B— where the executive are acting under the orders of the British ministry and parliament as their agents.

And as the president of the Assembly has pointed out, with keen prescience, "we shall watch in the immediate future to see how the two parties develop; whether, for instance, the Government will secure the necessary parliamentary cohesion before the majority reaches the same result for itself. Whichever develops first into a coherent parliamentary force, compact and well led, will be master of the situation. I say 'master of the situation' because the Government may be in that position, even though it is in a minority, for this reason, that the majority is composed of fractions which will only coalesce with difficulty, and, therefore, it is not improbable that the majority will fail to weld itself into one compact whole, ready to act in unison on all important questions." That, undoubtedly, is the rock ahead, not only in the chambers but also in the provincial legislatures. The leaders we elect as our representatives to the chambers or the councils have to learn without delay to act together, to work for the team as a whole, to develop what I have called a collective mind and will. This is easiest when the great majority of the electors in the country and most of their representatives in the legislatures normally fall into two parties, each with fruitful political principles and a policy embodying them, such as would command the allegiance of masses of citizens for several decades at a stretch. And this is why parliamentary institutions succeed best in homogeneous countries where political thought and aspirations run into a dy-party or duplex mould, te shoot up in the legislatures as two jets which coalesce there together into the single flame of the actual manifestation of the will of the state as a whole, in policy external and internal. Can India develop quickly a two-party system, both parties loyal to the British connection, both heartily accepting the new consti-

tution, but both equally resolute about working it by fair play and parliamentary methods to their own ends and aims, which diverge from one another from their roots in human nature right up to their flower and blossom in concrete legislation and administration? If not, can the rank and file of the elected representatives develop quickly a personal loyalty to a few chosen leaders and resolve to vote with them, except on such very rare occasions only when it happens to be a matter of conscience with an individual here and there, to vote independently? In fine, our new legislative bodies must be organised, party ties would be the best cement for organisation, but in their absence personal ties would serve to make a beginning, and there must be, in either alternative, clubs and places to meet in, and regular meetings and free interchange of ideas before during and after a session, to facilitate the organisation and make it effective from day to day. Such politico-social life and activity, outside the legislative halls but surrounding them and flooding them with its living waters so as to animate and control the life within, is indeed far more vital for progress than the orations and votings inside under the eye of the president and the executive government, which only register the results. Political institutions in themselves, especially when imported from outside, are mere shells. They have to be worked with understanding and moulded to subserve our own national will. And while we fail to do so—whatever the cause—the executive will of course continue in power, and the bureaucracy will be almost as autocratic as in the period from 1858 to 1920, although now working through parliamentary forms and representative institutions. But if this really happen to be the case, it will hardly be the fault of the framers of the Act of 1919. They believed it better—in the face of opposition, difficulty, discouragement, not altogether the handiwork of the preju-

diced foes of Indian aspirations[19]—better for the growing national consciousness in India as for the Empire as a whole in the newer world after the Great War, that representative Indian legislatures should really father the acts of the Indian State, and they resolutely skilfully and laboriously recast the constitution to fit these legislatures into it and to make it possible for them to perform this sovereign function. They placed the Indian legislatures on the throne in India. If the new occupant of the throne proves himself a mere show-piece, the acts of the state will continue to be performed as before by the former authors, although now in his name instead of in their own. That should be held to be the fault of the new occupant and not of those who elevated him. No safeguards against encroachments by the executive, no checks upon its power can be devised, short of dangerously weakening the executive and protecting arm of the state, to prevent such an illegitimate defeat of the original aim and design of the Act. Constitutional architecture of the parliamentary type can only create the necessary ruler—making organ. If the popular will will not function through it, another power, viz. the one hitherto sovereign, will (though sought to be replaced by a successor) continue to reign. The acts of the State administrative and legislative, precautionary and judicial, civil and military, will go on from day to day, as, indeed, they must; they will also be fathered upon the new legislatures more and more: whose they really are, instead of merely in name, depends upon the daily wrestling "on the floor of the house" between the executive ministry on the one hand and the legislative chamber on the other. Lastly, let not the Indian make any mistake about the nature of this wrestling. All political wrestling

19 Compare Lord Selborne's remark: "I have nothing more to say except this word to my Indian fellow subjects: I think they have come nearer than some of them know to turning a very great body of public opinion in this country against their aspirations."

is collective wrestling. Religious wrestling is that between the individual and his conscience. Domestic wrestling is that between the husband and the wife. Both the Indian knows and knows to be spiritual. In this collective wrestling, too, physical force of any kind is prohibited, perfect freedom of speech and opinion are bestowed upon the individuals as their special privilege, honourable behaviour, fair play and parliamentary procedure are insisted upon; and under these conditions this wrestling on the floor of the house is not only an intellectual treat and a whet to honourable ambition, but it is, besides, as spiritual a contest as can be found in the sphere of politics; for the spirit is the will and this is a contest of wills in the abiding interest—so far as human foresight can reach—of the state as a whole.

Dyarchy implies a division of the subjects falling within the province of a government into reserved and transferred subjects. It is easy to say in the abstract that the principle of dyarchy should have been also applied to the Government of India, but any one glancing at the list of the forty-seven central subjects (Devolution Rules: schedule part I) will find it extremely hard to arrange them into two groups in that way on intelligible principles. Secondly, in what relations would the Governor-General with ministers be placed with either half of a provincial government? Neither the Governor in Council with his responsibility to parliament nor the Governor with ministers[20] with his responsibility to the people of the province could be placed under the Governor-General with ministers, without withdrawing him to that extent from the responsibility. Thirdly, the introduction of dyarchy would give more power to the central legislature over the subjects transferred, but deprive it of the power the present

20 The position of the Governor, too,—the chain with its function of making the two wheels run as one—would be weakened.

constitution gives on the far more important reserved subjects also. And in the executive of the central government itself, dyarchy would involve an arrangement similar to what we have seen introduced in the provinces: viz. the central Indian ministers with a status different from that of the councillors, Indian and Civilian. Not merely different, moreover: in the provinces the difference does not necessarily imply inferiority and might develop into superiority; in the central government, until full self-government actually replaced dyarchy, the difference would necessarily involve a distinctly inferior status. Nor would the number of Indians thus raised to the highest executive either as councillors or as ministers be necessarily larger than under the arrangement actually introduced, without an unjustifiable increase in the total personnel of the central government. From the administrative point of view, also, it is far better that the Government of India, the central secretariat, and the centralised departments should first learn to restrain themselves on provincial subjects, and the provincial governments and legislatures simultaneously to assert themselves in that sphere, as the new constitution requires them to do, than that the great and almost revolutionary changes thus introduced should be further complicated by still other changes at the centre, of equal or even greater moment. Hence, the Act of 1919 confines itself to very few changes in the central executive council. The extraordinary members—the Commander-in-Chief and the head of the province—and the limitation on its number are dropped. The minimum of civilian members, with at least ten years of service, is retained at three. The law member may be an English or Irish barrister or Scotch advocate, or Indian lawyer, of at least ten years' standing. And a new subsection provides that rules may be made with regard to the qualifications of other members. And the Joint Select Committee advised that

not less than three of the members should be Indians, over-ruling the Government of India who had expressed themselves against more than two. [Act of 1919, Part II—Cons. 63 to 67B, 36, 43A ; Indian Legislative Rules ; Legislative Assembly and Council of State Electoral Rules ; &c.]

We have seen in an earlier chapter that the parliament gave to the Board of Control from 1833 and to its successor, "one of H. M.'s principal Secretaries of State," from 1858, whenever he chose to exercise it,

'full power and authority to superintend direct and control all acts operations and concerns which in any wise relate to or concern the Government of India and all grants of salaries, gratuities and allowances and all other payments and charges whatever, out of or upon the said revenues and property,"

reserving only the power parliament conferred upon the India Council in certain cases to override his authority (p. 88 *ante*). What was thus reserved for his Council we have also noted (p. 101 *ante*). Introducing responsible or parliamentary self-government in the transferred subjects and the influence of the representative legislature on the executive in the reserved subjects in the province, and raising the province from the position of a mere administration to that of a government with sovereign powers immediately in some of the functions of government, the Act of 1919 makes the province to that extent independent of the central government and also of parliament. Again, adding to the Government of India a representative legislature endowed with budget right and legislative authority, with only certain reservations, the Act makes the Government of India also to that extent independent of the Secretary of State and parliament. This is a revolution in the position of the India Office nearly as great as those we have studied at the two lower stages of our complex constitution. The Act constitutes for the first time the primary province—state endowed with some sovereign power

and starts it forward with the blessing that the growth of this sovereign power will be helped on and not jealously restricted; it also converts the central power into a federal state, granting to it some real independence of the Imperial sovereign in England; and these very changes reduce the dependence of these primary and federal states upon the Secretary of State and parliament to a greater and a lesser extent. From 1858 to 1920 every action of the state in India was either to be done in accordance with codes and regulations drawn up by the Secretary of State, or had to be referred to the English head-quarters of our government for approval or special orders or sanction. All this is now changed in spirit, and as to the crucial parts of it, in the letter of the law also. The salary of the Secretary of State, the salaries of his under secretaries, and all charges of the India Office,[1] not being merely "agency" charges, are now to fall on England. The Act of 1919 may be said to have come into force between April 1st, 1920, when this item of it was carried into effect, and February 9th,[2] 1921, when the central legislature was inaugurated by the Duke of Connaught with a Royal Message:

'For years, it may be for generations, patriotic and loyal Indians have

1 From April 1st, 1920, for a period of five years, England is to contribute towards the cost of the India Office, £ 136,500 per year, including the salaries of the S. S. (£ 5000) and his parliamentary under-S. (£ 1500). The Commons debate on the East India Accounts has in consequence to take place now in the Committee of Supply when the C. S. Estimates come up for consideration. Fresh arrangements will be made for another period commencing from April 1st 1925, in view of the changes expected to occur in the meanwhile.

2 Or a fortnight later, February 23rd, when the new Bombay legislature began its first session, the last of the new legislative councils to do so, since the Duke of Connaught completed his mission and bade farewell to India from the port of Bombay. He began his mission by landing at Madras and opening the Madras legislative council, January 12th. The new provincial executives were installed—Madras and C. P., December 17th; Behar and Orissa, December 29th; and the rest January 3rd.

dreamed of Swarajya for their motherland. To-day you have the beginnings of Swarajya within my Empire, and widest scope and ample opportunity for progress to the liberty which My other Dominions enjoy. On you, the first representatives of the people in the new Councils [Central and provincial][3] there rests a very special responsibility. For on you it lies by the conduct of your business and the justice of your judgments to convince the world of the wisdom of this great constitutional change. But on you it also ‸s to remember the many millions of your fellow countrymen who are ‸t yet qualified for a share in political life, to work for their upliftment and to cherish their interests as your own."

The minimum number for the India Council is reduced from ten to eight and the maximum from fourteen to twelve; the qualification for appointment to it for at least half the members is altered into service or residence in India for at least ten years, the period of service is reduced to five years in order that fresh experience might flow into it quicker, the salary is raised to £ 1200, with a subsistence allowance for members with an Indian domicile, of £ 600 more, and if the Secretary of State appoints to the Council any one who has not yet served long enough in India to earn his pension, his service on the Council is to count towards it. This means that all the service members of the Council need not necessarily be officers who have retired.

The cumbrous procedure of the India Office or the Secretary of State in Council has been noted in an earlier chapter (pp. 67 and 101-2 *ante*). Almost every Secretary of State of the present century gave public expression to his strong desire for an instrument simpler and easier to work, especially as the Council was, in spite of its so-called financial veto, little more than an advisory body. Some attempts were also made since the time of Lord Morley to reform it, but these have not been noted in these pages as

3 This addition is warranted by the Message itself: see its first paragraph, which, as also the last, I omit for want of space.

they came to nothing. The Act of 1919 settled the matter by a stroke of the pen. The sections in the consolidated Act, 1915 and 1916, on urgent and secret matters were repealed, and the entire procedure of working was left to the Secretary of State to regulate, and the procedure for orders and communications to India and generally, for correspondence between the India Office and the Indian governments, central and provincial, to the Secretary of State in Council.[4] The relaxation of the superintendence direction and control so far vested in the Secretary of State or the Secretary of State in Council has also been left to the Secretary of State in Council to regulate. The rules so made for transferred subjects were sanctioned by parliament.[5] And as to the financial veto in particular, the Act provides that,

"a grant or appropriation made in accordance with provisions or restrictions prescribed by the Secretary of State in Council with the concurrence of a majority of votes at a meeting of the Council shall be deemed to be made with the concurrence of a majority."

On the working of these provisions and the rules made under them the recommendations of the Joint Select Committee are as under :—

It would be advantageous to have more Indians on the India Council.

Over transferred subjects the control of the Governor General in Council, and thus of the Secretary of State, should be restricted within the narrowest possible limits.

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4 The distinction due to two factors : in his resposibility to parliament the S. S. is not to shield himself behind his Council ; in the ways and modes of conducting himself towards the governments in India, he needs the expert advice of the Council.

5 See the next footnote. No rules have been made for central and reserved subjects for reasons as to which see the quotation from the J. S. Committee s Report further on (slightly condensed, and the passages altered in their sequence). Every serious student of the subject must study for himself the M–C. Report I. C. R., the Act of 1919, the J. S. C. Reports, S.M. Bose's *Working Constitution*, and, if possible, also Mukharji's *Indian Constitution*.

In purely provincial matters, which are reserved, where the provincial government and legislature are in agreement, their view should ordinarily prevail, though the fact has to be borne in mind that some reserved subjects do cover matters in which the central government is closely concerned.

In the relations of the Secretary of State with the Governor-General in Council the Committee are not of opinion that any statutory change can be made, so long as the Governor-General remains responsible to parliament, but in practice the conventions governing these relations may wisely be modified to meet the change caused by the large elected majority of (and the powers conferred upon) the new Legislative Assembly. In the exercise of his responsibility to parliament which he cannot delegate to any one else, the Secretary of State may reasonably consider that only in exceptional circumstances could he intervene in matters of purely Indian interest where the Government and the Legislature of India are in agreement. This general proposition leads inevitably to the consideration of one special case of non-intervention: viz the fiscal policy of India. It is clear that a belief exists in India at the moment that India's fiscal policy is dictated from Whitehall in the interests of the trade of Great Britain. That there ought to be no room for it in the future is equally clear. India's position in the Imperial Conference opened the door to negotiation between India and the rest of the Empire, but negotiation without power to legislate is likely to remain ineffective. A satisfactory solution of the question can only be guaranteed by the grant of liberty to the Government of India to devise those tariff arrangements which seem best fitted to India's needs as an integral portion of the British Empire. It cannot be guaranteed by statute. It can only be assured by an acknowledgment of a convention. India should have the same liberty to consider her interests as Great Britain, Australia, New Zealand, Canada, and South Africa. The Secretary of State should therefore avoid interference on this subject as far as possible, when the Government of India and its Legislature are in agreement, and the Committee think that his intervention, when it does take place, should be limited to safeguarding the international obligations of the Empire or any fiscal arrangements within the Empire to which H. M.'s Government is a party.[6]

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6 Notification No. 835 G. (*Gazette of India*, 18-12-1920) gives the rule actually made: the S. S. in Council's powers of superintendence &c. shall, in relation to transferred subjects be only exercised (1) to safeguard the administration of central subjects; (2) to decide questions arising between two provinces, when the provinces concerned fail to arrive at an agreement; (3) to safeguard Imperial interests; (4) in questions arising between India and other parts of the Empire; (5) and for the purpose of carrying out the provisions of the Act relating to the office of the High Commissioner, the control of provincial borrowing, the regulation of the services, the duties of the Audit department, and the restrictions placed on the freedom of Ministers—such as the rules requiring the employment of officers of the I. M. S., the rules requiring the previous sanction of the S. S. for changes in the cadre of all-India services, or for the creation of similar appointments, permanent or temporary, &c.

Rule 49 in the Devolution Rules (Notification No. 308 S—*Gazette of India Extraordinary*, 16-12-1920) is exactly the same, only substituting the G. G. in Council for the S. S. in Council.

For all the work done by the India Office in the past as the agent of the Government of India, the Act provides for the creation of a High Commissioner, analogous to the High Commissioners of the various Dominion Governments in England. He will also act as the agent of the Secretary of State in Council and the provincial governments in India, for the purchase of stores, the making of contracts, the raising of loans, and similar functions. He is to have an office and establishment under him, and his period of service is limited to five years, but at the end of one period the officer may be reappointed for another. The appointment is made by the Governor General in Council with the approval of the Secretary of State in Council. The first High Commissioner was appointed on October 1st, 1920, and as his assistant the practice has been started from the first of appointing an Indian member of the I. C. S. Of the miscellaneous changes the most important relates to the services mainly recruited by examinations in England. The Act provides for a Public Service Commission in India also, and the proportion of Indian recruitment in the services, through the competitive examinations in England and in India, or direct appointment by nominations, or promotion from the provincial services, is to be 33% from the first, rising by 1·5% annually for ten years to an all-round maximum percentage of 48. But of the men at present in these services, it is believed that there are some who are very doubtful whether they could be of much use or indeed whether they would not be out of their element in the new era inaugurated by the Act of 1919; and the Joint Select Committee recommended that they should be offered an equivalent career elsewhere or allowed to retire on a pension suited to the period of service they had put in. The Secretary of State in Council have recently issued these rules, and if numbers avail themselves of the facilities thus offered, the Indianisation of the services will proceed at a quicker pace than that indicated by the percentages

mentioned above. The last point deserving of notice is the provision in the Act for a Statutory Commission at the end of ten years to report on the working of the new system of government and advise about its restriction,[7] modification or extension. [Act of 1919 Parts III to VI—Cons Parts I to III, and VI A to VIII, &c.]

In addition to the References at the end of the preceding section—

S. M. **Bose:** Working Constitution in India.

E. L. L. **Hammond:** Indian Electioneering.

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7. Restriction or modification in an unfavourable sense would obviously involve an amount of coercion that places both alternatives beyond the pale of pratical politics unless, indeed we are launched into a period of revolutionary agitation. Nor is strict adherence to the period of ten years at all likely. It is remarkable that parliament and the J. S. Committee should not have perceived these things. They looked at the whole subject from another angle altogether. "The Indian electorates quite new to this Western democratic machinery of responsible self-government, the very idea that the sovereign will in the state is their will, that they have to exercise it, that they have to watch all legislation, taxation, administration, and policy in order to bend it all to their own will, altogether foreign to their psychology and their traditions :—let us see how they take to these things, for unless they do, the mere machinery of representative institutions has no magical virtue in it to secure either well-being or self-government or liberty,"—these root principles of their scheme they were so intent upon emphasizing, that they quite overlooked the fact that when once they gave the word and started the new engines, it would be, humanly speaking, beyond *their* power to reverse the engines, or to stop them, or even to control the pace. They overlooked other things also, some of great importance. For instance, in these pages I have not given any space to their elaborate scheme of contributions by the provincial governments to the central. This has already begun to break down, and will do so more and more. In a federation the Central Government must have its own resources, and the experience of the United States, the German Empire, &c. shows clearly that the easiest solution is a tariff raising enough for central needs, and, if possible, also a surplus to be shared by the porovinces in the ratio of population and trade. The Moderates, who claim to be far in advance of the non-co-operators in political and economical knowledge and acumen, ought to have seized upon this and another idea or two, and developed round them a fighting and constructive policy with which

(See page 449)

§ *64 Key to Real Swarâjya.* Constitutional learning, administrative training, parliamentary experience, and political understanding are worth little unless they enable us to look down into the bedrock of concrete fact and decipher its import. What are these rock-bottom facts which we, the intelligentsia of the country, have to grasp steadily and mould to our will by united and persistent endeavour, if we really want to raise our land and people to the level of free nations?

It is the Pax Britannica that defends us at present both from external attack and internal disorder, the prestige of the British Empire and the British Name, built up by and resting upon the British navy and the Indo-British army. And this army, we have seen, has for its keystone, the British officer and the British soldier. The British in the army may be numerically only one-third, but they are of far more consequence than the other two-thirds, since the army is so organised that without them the entire body sinks into mere matter without the soul. It has also been

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(Concluded from page 448)

they cou d have gone to the country. But since 23-12-1919 when the Act was passed, and a popular policy arising out of it was needed, as distinct from the policy of the executive, or from the *non-possumus* attitude of the non-co-operators, the Moderates have done nothing of the kind, nor shown any vigour or resource in stemming the non-co-operation current. The present muddle is due as much to this failure of the Moderates as to any other single cause. A mere phrase like "co-operation wherever possible, opposition whenever necessary," is no substitute for a policy; even as a motto, it is pure opportunism.

The Assembly during the last session of 1921 passed a resolution for a further instalment of reform before the visit of the statutory commission at the end of ten years, and the Government have undertaken to represent the matter to the home authorities. In the meanwhile Lord Lytton the Under Secretary observed on the subject in the house of lords—"were it proved by experience that there was a defect in the Act, which had not been foreseen and required remedy, I do not think that any S. S. is debarred from coming to parliament for the remedy' (*Times of India*, 22-12-1921).

urged in different sections of this book that the present army cannot be expected to obey a wholly Indian government, or, in other words, that Indian self-government can only become a reality in proportion as a really Indian army is built up, and that the modern art of war cannot be mastered quickly, a modern army in being cannot be created in a moment by a wave of the magician's wand. Luckily the highest authorities, who still continue the arbiters of our destiny, recognise all this to the full. We read in His Majesty's proclamation of December 23rd, 1919:—"The defence of India against foreign aggression is a duty of common Imperial interest and pride." The concluding passage from the 158th paragraph of the Montagu–Chelmsford Report has already been quoted in the last chapter (p 406 *ante*) and may be quoted here again:—

"This responsibility for India's defence is the ultimate burden which rests on the Government of India and it is the last duty of all which can be committed to inexperienced or unskilful hands. So long as India depends for her internal and external security upon the army and the navy of the United Kingdom, the measure of self-determination which she enjoys must be inevitably limited. We cannot think that parliament would consent to the employment of British arms in support of a policy over which it had no control and of which it might disapprove. The defence of India is an Imperial question ; and for this reason the Government of India must retain both the power and the means of discharging its responsibilities for the defence of the country and to the Empire as a whole."

But pronouncements like these, while defending limitations which must be accepted today, necessarily point to the sympathetic creation of new conditions under which such limitations ceased to apply and could therefore be removed. As the Secretary of State himself told the house of commons in his concluding speech on December 5th, 1919:—"Parliament, I think, must see that you do not at one and the same moment withhold things for a particular reason and then refuse the opportunity of procuring them...Do not deny to India self-government be-

cause she cannot take her proper share in her own defence,and then deny to her people the opportunity of learning to defend themselves. These are problems of which parliament takes upon itself the responsibility by the passage of the Bill."

What is India's "proper share in her own defence?" There can be but one answer to the question. India does not want a single alien in her army or in her navy. She does not want a single mercenary either. She desiderates an army and a navy manned by citizen soldiers and sailors, whose loyalty is not the less profound–whose efficiency is the greater—in that it is not blind martial instinct, but reasoned attachment and willing devotion to the service of the Mother. That is the goal. We have to work for it under England's guidance; England has to help us to build up such an army and navy in reasonable time. Thus alone can her long association with our history be fully justified at the bar of humanity and pass into the noblest form of equal friendly comradeship. India has been waiting for her to make a start in this great task ever since the Great War began. The moment she does make a real start, all distrust of her, non-co-operation in every form, will die a natural death.

What would be a real start? It is a pity that Indian leaders have not yet faced this question. Lord Sinha has been quoted on the subject in the last chapter. The more recent utterances of Sir Krishna Gupta, Sir Sivaswami Iyer, and Pandit Madanmohan Malaviya are well-known. None goes far enough. None grapples with the subject as a whole. The military authorities, belonging to a great department with a noble history and traditions slowly built up, have very naturally their own rooted ideas on the subject. These they have to be made to state systemati-cally with all the whys and wherefores; these have to be steadily and radically altered by free persistent and patient

discussion, until their own minds receive the proper orientation with reference to the national ideal. Such a beginning has been made in the central Legislature in the course of this year. There was a committee of the legislature on the military requirements of India and writing on their report the Simla correspondent of the London *Times*[1] observed:—

"The Finance Member of Council has given a virtual pledge that he will not countenance any increase in army expenditure except what might be necessitated by actual operations on the frontier. The Commander in Chief and staff have adopted the course of taking the legislature entirely into their confidence. Some of the recommendations of the Committee have been already accepted by Government. (1) A military college at Dehra Dun to prepare Indian boys for Sandhurst is sanctioned and will be opened by the Prince of Wales. (2) The organisation of a Territorial Force has been taken in hand; its officers are to carry British designations. (3) The principle of a short service system with a few years more in the Reserve has been accepted. The Assembly carried other proposals also in most cases without a division. Indian opinion is determined that the army in India should be entirely under the control of the legislature, that all ranks should be opened to Indians on equal terms with British officers, aud that the utmost reduction in the military budget should be effected. The clear duty of the present Government is," the correspondent continued, "to train up the young Indian as an officer to lead his men, to instil into him the right ideals, and to make the new Indian army in every way worthy of comradeship with the other forces of the Empire. A policy must be laid down at once which clearly looks forward to Indian regiments officered entirely by Indians, and the Headquarters Staff freely manned by responsible Indian officers. India will no longer tolerate an army of Indian soldiers who are merely mercenaries drawn from a limited section of her population."

Is a quasi-military institution to "prepare Indian boys for Sandhurst" a real start? "A short service system with a few years in the reserve," "not an army of mere

1 "Indian Army's Future" in the *Times* of October 8th, 1921. The Committee were: the Commander in Chief-President; the Finance, Law and Education members of the executive council, the foreign secretary, Sir Sivaswami Iyer, and Lieutenant Hissamuddin Khan (23rd Cavalry, F. F., a Durani Afghan)—members. The Committee called for evidence from representatives of various schools of thought in the country.

mercenaries drawn from a limited section of the population," "the utmost reduction in military expenditure,"—these are vague phrases: are years to elapse and decades to pass before these high-sounding formulae are given a definite content, and real work commenced in accordance with it?

What would constitute a real start? A quinquennial reduction in the British army of occupation;[2] a simultaneous increase, from three to five times the number of the British soldiers reduced in the Indian recruitment a reduction every year in the "Indian" recruitment from the martial or semi-savage tribes on the borders, and a simultaneous increase, twice or thrice the number, in the Indian recruitment; an annual reduction in the over-recruitment from amongst Sikhs, Gurkhas, Jats, &c., and a simultaneous increase in the recruitment from all other parts of the country; a reorganisation of the four army commands of today into eight or nine, in order that the new recruits might have the first year or year and a half of their training in or near their own province; several military colleges in India to train up a sufficiency of officers for these eight or nine centres as well as for the regi-

2. Mr. Malaviya said at Bombay, 17th and 19th August, 1921,—"they would be content to have responsible government in a definite number of years provided Govt. made earnest beginnings at once. Their earnestness would be in this. Supposing there were 6000 British military officers in India today and complete responsible government was to be granted in five years; they must begin at once by training up and replacing 1200 Indian officers every year. The greatest shame of India today was that she required foreigners to defend the country. Let them start on that basis, and let people and Govt. understand each other that that was the settled policy."–To build up a modern Indian army would take several periods of five years, no one can say from today, how many. Again, the officers are far more valuable than the men. At any rate, of the first British regiments reduced, I should say, keep the officers to help in training up the Indian officers and recruits. These, however, though very important, are details. Mr. Malaviya's principle is one of the fundamental points at issue today between the executive and the people.

ments on active service, the reserves, and the territorials; the seasoned Indian troops of the present army, as many regiments as can be spared from the frontier, to be stationed at these eight or nine centres, to form nuclei round which the regiments of the new recruits might grow; the equipment of the Indian section of the army to be raised at once to the level of the British section in all respects; the deficiency in their proportion of air-force, artillery, &c., to be made good without delay; the new armies to be from the first of the highest level in all equipment and in the proportion which infantry, cavalry, artillery, and air-force bear to one another in them; all army stores and necessaries of every description from aeroplanes and tanks to buttons to be manufactured in India in factories located and organised so as to give the quantities required of the best quality at a minimum of cost, and the personnel of the factories to consist of a high and growing proportion of Indians from the first; the training of the recruit to be a training in life and in industry as well as in military duties, for he is to spend only a short term—five years at most, two or two and a half in training, the balance in active service—as a soldier, the rest of his life he is to be a civilian, and all the better equipped for this his real life for his years of soldiering; and all other parts of a vast subject to be thought out and a start made in all and each in harmony with these fundamentals. But it is hardly the business of a mere student to develop a whole policy for public men. His duty ends with throwing out suggestions, to be treated merely as suggestions of the underlying principles, and even when they arise naturally out of his reading of a situation and voice some of his deepest convictions, he cannot avoid feeling some hesitation about the propriety of his doing so.

In one word, the army as it is to-day, the Indian section of it as well as the English, and the entire army sys-

tem have to be radically transformed. They have had their day, a great day full of brilliant achievements set off with many a deed of thrilling heroism ; it is no disparagement of them and their glorious record, to say that in the day that has dawned we now want something entirely different ; something that we want the military experts to create for us, as they alone can. At the first blush, they will of course be dead against all such innovations and ideas, almost to a man. That is only human nature. One ought not to entertain different expectations about any class of men to whom the system that has created them is as the breath of their nostrils. But the reason is the noblest of man's working faculties, just because it enables him, however slowly, to perceive that the old order, whatever its claims on loyalty and sentiment, has had its day, and a new order altogether is really needed for the new era. And when once this perception begins, everything else developes out of it in due course.

A start in the building up of an Indian Navy might be postponed for a decade or so. But India owes it to herself to relieve England and all other parts of the Empire of every naval duty in her own waters, which extend —taking Ceylon as an integral part of India for this purpose—from Aden and the Cape on the west to the Gulf of Siam and the Java Sea on the east. And if we have to begin building up a navy ten years hence in earnest, we must begin building up a mercantile marine from to-day.

As said above, we too have to work for all this ourselves. Let us try to understand the implications a little more fully. Some points have to be specially emphasized. "The utmost reduction in military expenditure": how long are our public men to keep repeating this parrot-cry of Victorian liberalism ? No responsible person ever wants a single pie wasted of course. But an old system has to be pulled down as a new one can be built up to take its

place. Instead of a British army, an Indian army; instead of British prestige, which has been our sure shield for over sixty years, the creation of Indian prestige; instead of the prestige of a few martial races, the Sikhs, the Marathas and the rest, the federal prestige of India as a whole, made up of the equal prestige of each province; instead of seasoned veterans, short timers, reservists, and territorials; instead of expert mercenaries from select areas and tribes, not a superfluous man among them, regiments of citizen soldiers from all over the country; numbers and equipment and collective spirit to make up for the hereditary aptitude of the individual unit; colleges and factories and a corps of officers to be built up from the foundations:—can any one imagine that these things can be had without increased expenditure? It will take at least twenty years of growing expenditure for the new system to attain its full development. If our plans are well laid and properly executed, if the right spirit animates the whole from its inception onwards, and if the new creation proves a success in actual experience, the time for economy, for reducing the numbers on active service, in the reserves, and in the territorials, and for shortening the periods of service for all, would come then. But the new system has got to be built up first, whatever the cost. The only question is—are not the things we shall obtain in return for the cost in money and in men, infinitely worth having? And as against the cost during the period of creation, we have to place the inestimable gains: first, real Swarajya based upon our own efficiency and prestige won through our own exertions and sacrifices; second, a sense of discipline [3] permeating the entire population, since our soldiers, too, would be drawn from the entire population in fairly equal proportions from all

3 We lack this at present, indeed it is one of our gravest deficiencies. No nation ever embarked upon Swarājya with less solidarity and a weaker sense of discipline than we passess today.

over the country ; third, a higher level of health, vigour, and self-respect throughout the country ; fourth, the creation of many industries ; and fifth, the bulk of the money spent would be spent within the country on her own children,—instead of upon people to whom India cannot but be the land of exile, who look down upon and maltreat us while they are here, and expect us, forsooth, to be grateful to them for being our defenders on those terms ; notwithstanding the fact that they are all brought out, trained, maintained, and pensioned afterwards, all at our cost, and that England and the Empire gain incalculably by thus having always available, free of cost or trouble, such a body of troops and officers thoroughly trained to take the field in any part of the world at a moment's notice.

Secondly, the army and the navy are to be our own, trained by our own people, created by our own expenditure and efforts and sacrifices. And the prestige more precious than the regiments and battle-fleets,[4] will be the slow result of these concrete creations, and will crystallise only in proportion as these creations are successful, and are animated by the character, or, to use the current phrase the soul-force of the people as a whole. For armies and navies are not mere brute force. Even bodies of mercenaries or gangs of pindharies have their day only so long as there is a collective spirit and discipline informing them ; and this, the character and solidarity of the body as a whole, what raises the mere fighting machine into a living organism with a will and a sense of duty and honour, and ideals, is of course far higher where the units building them up are the free citizens of a civilised nation. In the Great War, for instance, the German armies, merely as fighting machines, were not very inferior at the end of the war, to what they were in the beginning. The equipment and the organisation had suffered very little if at all;

4 India will need two battlefleets, an eastern and a western.

the change was in the spirit of the men, and still more in the spirit of the nation behind the men, and it was this that ended the war.[5]

Does any one imagine that India can create her army her navy and her prestige except under the sympathetic guidance of England? Look at the military history of India in the dry light of absolutely dispassionate inquiry, from the moment that Dupleix introduced the European art of war on Indian soil by training up Indian mercenaries with European equipment to fight like European regiments. The list is long of the men from Chanda Saheb to Ranjit Sing who tried their uttermost to master this new art and base their thrones upon this new power. Morarirav Guttikar succeeded better than Chanda Saheb, Ibrahim Gardi better than Morarirav, Mahadji Shinde better than Ibrahim, Ranjit Singh succeeded better than any predecessor. Even at the best, however, the success was limited. The Indian states of those days still had independence, power, statesmanship of a sort, and virility. And yet they failed. Does any one imagine that to-day when war is far more scientific and technical, and the disparity between a fully trained body of five thousand (equipped with the deadly arms of the twentieth century) and a crowd, however brave, a thousand times more numerous, is far greater than ever before,—and, moreover, when India has had six decades of the Arms Act, and fatty degeneration, that we shall, nevertheless, succeed better at present, without England's aid, than we did between 1748 and 1848? Such a view could only be entertained by people for whom history can have no meaning whatever.

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5 Cf.—"One factor in modern war dominates every other. In modern war, the war of nations, it is the nation that loses the war and not the army. The defeat of the nation brings about the defeat of the army. While a great nation is sound, its army can and will go on fighting; but when the nation goes, the army too goes...This is the lesson of the Russian collapse, the Austrian collapse, and finally of the German collapse."—Edinburgh Review, January 1921, p. 20.

There are those amongst the Indian intelligentsia and their organs who wax wroth in season and out of season at the clauses in the pronouncement of August 1917, reproduced in the preamble to the Act of 1919,[6] which state explicitly that "the time and manner of each advance can be determined only by parliament, upon whom the responsibility lies for the welfare and advancement of the Indian peoples, and that the action of parliament in such matters must be guided by the co-operation received from those on whom new opportunities of service will be conferred, and by the extent to which it is found that confidence can be reposed in their sense of responsibility." Such impatient unhistorical views in so far as they arise out of sentimental reliance upon the so-called inherent rights of selfdetermination are beneath argument. Inherent rights are mere abstractions; political rights and liberties come into existence only by being embodied in constitutional law and practice. And in so far as such views claim to rest upon pledges and promises during the War, the constitutional answer to them is final, that the Act of 1919 is the definite and detailed interpretation by the sovereign authority in the British Empire of the necessarily general promises and pledges which Lloyd George and others might have indulged in under the exigencies of a prolonged life and death struggle. The promises and pledges have no value except in so far as parliament has deliberately chosen to substantiate them in definite legislation.

The English system, political and constitutional, is fairly elastic. The pace of reform can be forced upto a certain point. The legislatures can bring pressure upon

6 The prononucement of 1917 has given place to the preamble of 1919; wherever there is any difference of wording between the two, the preamble is the more authoritative from the date of enactment, 23-12-19. The above quotation is from the preamble. The only difference in wording between the two is that where the pronouncement said "the British Government and the Government of India," the preamble says "parliament."

the executives, the constituencies can bring pressure upon the legislatures, and the executives must yield to persistent pressure, interpreting the letter of the law and the terms of their instructions with a latitude or laxity gradually overstepping the original and commonsense meaning of the expressions. This would be evolution on lines which the Englishman all over the Empire understands and appreciates. That is the royal road along which Freedom slowly broadens down from precedent to precedent : it is the King's Constitutional Highway, built first in English history and imitated later in other lands. Non-co-operation, on the other hand, is revolutionary. And whenever a revolutionary movement is revealed in its true colours, however non-violent it may be, the entire strength and influence of the executive government and of the conservative sections of the peoples must be ranged on the opposite side. A revolutionary movement, however non-violent in fact as well as in intention, must be a war against the powers that be, and a civil war, too, amongst the people themselves.

Constitutional evolution under the sympathetic guidance of England, or else a revolution inflicting untold suffering in the immediate present and leading up to a future altogether dark about which no one in his senses can make any credible prediction at all : these are the alternatives between which India has to make her choice. Nor can she keep hesitating at the cross-ways for an indefinite period.

But, finally, it is said : "The sympathetic guidance of England is a vain delusion and a snare. Her whole record in India is against any such hope. We too hoped for it, we cherished the hope as fondly as anybody, until we have been forced by the inexorable logic of events and almost against our will to abandon it and turn our back upon it." Those who have really formed such convic-

tions must necessarily be irreconcilables. They form the backbone of the body of non-co-operationists. For in politics as in love, to repeat lines already cited on an earlier page,

> Faith and unfaith can never be equal powers :
> Unfaith in aught is want of faith in all.

This book, however, is an attempt, very imperfect no doubt but conscientious, to present the record of England in India historically. I have not disguised the fact that a portion of that long record, about one generation or four decades in length, is open to criticism. But I have also tried to understand and explain why it was so. And all can see who are not blinded by dense prejudices that from about 1905 onwards a better day began to dawn for India as a consequence of measures carried through by the active and devoted exertions of statesmen like John Morley and Lord Hardinge. The growing improvement in our position both here in our own home and in the Empire, has been accelerated by the Great War, and the Act of 1919 has really framed for us a constitution truly liberal, necessarily leading on to full self-government of the parliamentary type, if we on our part, will only work the Act in the spirit in which it has been framed. If we will only tread this path of peaceful constitutional and continuous evolution, life military and life civil, life political and life economic might develop here in disciplined growth and in self-sufficient and courageous independence, all parts of India learning gladly from one another and from all the world because left free to learn and to test and to grow up in their own way ; and a Modern India oriental in humanity and in love of peace, yet strong in balanced self-realisation, might arise thus as a federated union of eight or ten peoples gradually welded together into one political nationality ; an influential friend of all legitimate political ambitions throughout the East ; a strong supporter, as a member of the British Empire, of the peace of the world.

I do not at all wish to leave the impression that the realisation of such a vision of the future of our country under the sympathetic guidance of England, in the course of a generation or so, can be deemed a certainty. Certain predictions in politics are the privilege of the magician, the stock-in-trade of the charlatan. The future is always more or less uncertain. But on the one hand there is this probability. On the other hand, there is revolution; spreading hatred[7] of England and the English name to such an extent as to overcast the entire future. It is for the constituencies and politicians of to-day to make their choice, whatever it is, and translating it into persistent and organised political action, non-violently but decisively beat down the other party. It is we, as a nation, who have to make up our collective mind.

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7 Mahatma (महात्मा) Gandhi preaches repeatedly, indeed, that "non-co-operation without love is devilish," but what is the inevitable effect of non-co-operation in word and deed on the average mind and heart? To quote only a single instance that rightly interpreted speaks volumes;—Mahadevbhai Haribhai Desai, B. A. LL. B., a non-co-operator above the average, confessed in his statement before the Court trying him, 23-12-1921, "It is with a sense of positive relief that I shall today walk into gaol-the sense that I shall be relieved of the difficult duty of criticising Govt. with truthfulness and yet without rancour. That capacity only my Master [the Mahatma] has achieved. And I am really thankful that I shall no longer have to struggle against my baser self."

CORRECTIONS AND ADDITIONS

A crore =10 millions =100 lakhs. A *lakh* (also spelt lac)=100 thousands.

A **Rupee**=1 s 4 d =1/15th of a £. But from about 1880 to 1900 a third unit was also used in Govt. publications, intermediate between £ and R, viz. **Rx**=10 rupees.

An **anna**=1/16th of a rupee = one penny. But the ratio of annas to the rupee is often used merely to indicate subdivisions of a unit; one-eighth being called two annas in the rupee; three-fourths, twelve annas in the rupee; &c. The word should be spelt *ānā.*

Dehli, Gokhle. In a very small number of cases I have deliberately given up the current spelling. Gokhle himself wrote his name with an **a** between **h** and **l.** But foreigners and North India people ignorant of the correct pronunciation necessarily read the final ale as एल. Even Sir Wilfrid Lawson rhymed it with 'tale' :

"A friend too from India will take up the tale,—
Good luck and success to the Hon'ble Gokhale." (*India*, 18-5-1906).

Grant Duff's spelling—Gokhlay-should be revived as really the best. Thus, for instance, Rānade should be spelt- Rānaday.

P 11 n 2 *Add* For further details see *Hunter* ii pp 236-7.

P 12 l 19 *For* on *read* one.

P 17 n 5 *For* 1686-7 *read* 1686-9. *Omit* the last 5 words of the sentence ; and *add*—For this war see *Hunter* ii ch 7. Peace was made by Aurangzeb's firman, February 1690, a little after Sir John Child's death at Bombay.

P 27 l 7 *Add* after 'finally'—and most appropriately.

P 27 l 13 *For* I 227 *read* I p 225.(No 70 in the 1909 ed.)

P 41 l 15 *For* councillors *read* councillors.5 **P 42 l 5** *Omit* similarly

P 47 l 9 *For* Indian *read* India. **P 49 n 7** *Add* Also J C Sen: *History of Bengali Language and Lit.* pp 883-897.

P 50 *Add* placing it first in the references—E. I. Co. Act, 1813 (53 Geo. 3, ch 155) in *Collection of Statutes relating to India.*

P 51 n 2 *Instead of* by about £ 100,000 *read* still. P 53 l 23 *Omit* my right honourable friend. L 37 *For* passed *read* recently been passing.

P 64 l 10 *For* 1850 *read* 1853.

P 66 l 19 *For* with a ten...credit, *read* who had served or resided in India for ten years, and, L 29 *For* because *read* to secure.

P 79 l 16 *For* and no change has been *read* and so no change was

P 80 l 13 *For* constitutional *read* fundamental P 80 n 8. *Add—Re* Indian troops employed out of India, the Commission held that "India had no direct and substantial interest in the employment of forces in Europe, in Africa west of the Cape, or in Eastern Asia, but had such interest in keeping the Suez Canal open and in the maintenance of order in Egypt as affecting the Canal" (Imp Gaz iv p 378). But in apportioning the charges on such occasions from 1900 to 1914 England did not exact from India all that this geographical partition of interests might have justified, but behaved towards her more fairly and liberally—see p 260 *post.*

P 84 *Add* placing it first in the references—Montagu-Chelmsford *Report I. C. R.* §§ 33-36, 169. P 87 n 4 *Add-Lovat Fraser*, pp 415-449.

P 89 n 7 *Add* Telegraphic communication with England *via* Turkey. from March 1, 1865.

P 92 n 1 *Read* Lord Curzon. N 2 *Add*—See also Lord Curzon's house of lords speech, 23-2-1909.

P 93 l 4 The word 'secretariat' should be in italics. L 19 *Omit* of council.

P 100 l 4 *For* parliament *read* parliament.* And, at bottom of page add footnote—* The debates on this bill in the lords revealed a difference of opinion as to the powers of financial control assigned to the India Council by parliament in 1858—the so-called financial veto. Lord Salisbury and two ex-Lord Chancellors held that "in reference to every question in which expenditure was involved, i. e. in reference to every question of every kind the India Council had the power of absolute and conclusive veto by a bare majority over the decision of the S. S." The Duke of Argyll and the Lord Chancellor in office held that the Council was "rather a consulting than a controlling body." This latter view prevailed. The former would have proved unworkable in practice. For instance, it would have reduced the Indian legislatures to mere registering bodies, for they could not have legislated at all without the sanction of the S. S. and of the India Council in particular for every financial detail. As a matter of fact, the previous sanction of the S. S. was obtained during the period 1858-1920 only on the general principles of a bill. See besides the debate Fawcett : *Indian Finance* pp 8-11 & 71

P 107 l 15 *For* later chapters *read* a later chapter.

P 116 n 2 *Add* See also Kaye: *Administn E. I. Co.*, pt iv ch 1. He notes that where successful "the spirit of the regulations was infused in such a manner as to cause it to harmonise and blend itself with all

that was good in the native institutions and to be respected in the local usages"; but that where the experiment failed, as in Sindh until Bartle Frere was appointed head of the province, it meant "the retention of all that was oppressive or evil in the old system, and adding much evil of our own...Experience and honesty were exchanged for inexperience in the superintendence and fraud and oppression in the subordinate branches.' Prichard adds that where successful the success was due to the officers being selected in the first instance and to their promotion not being hampered by rules of seniority. He also observes that "after the first flush" routine asserted itself and the provinces fell back (II pp 156-161). Lastly, ch. 2 of Sir J. Stephen: *Minute on Administn of Justice* (1872), is a thorough-going comparison of the two systems. **P 116** *Omit* the last footnote.

P 117 l 27 After 'departments' *add*-to do so. For the next four lines *read*—The taxes on imports and exports have to be collected at the frontiers,

P 118 l 16 *Omit* but not of both **L 19** *Omit* Or, thirdly,

P 119 l 23 *For* Bentinck *read* Bentinck[2] and at bottom of page *add* footnote:— 2 He had even proposed the appointment to the covenanted service of Raja Rammohun Roy's adopted son, but "the idea was abandoned owing to the clamour evoked in Calcutta"—Hunter: *India of the Queen and other Essays* (1903) p xi. It was only when the Calcutta High Court came into being, 1861, that he was appointed the first Indian judge (Dutt: *Victorian Age*, p 243).

P 124 l 20 *For* extent *read* extent.* And add a footnote—*For, views altogether different, see *Islington Report* I p 170.

P 124 n 5 *Add* Some of these expressions he was merely repeating from the report of the committee of the India Council that had recommended simultaneous examinations in 1860; see for a very brief account of this committee and its report, pp 186-7 *post*.

P 127 n 12 *Add* as a new paragraph to footnote.—The G. of I. Resolution on the subject, 24-5-1904, repeats almost the same arguments and phrases. This Resolution followed Lord Curzon's sixth budget speech (*Raleigh* I pp. 156-160) and was replied to by Gokhle in his budget speech the following year, 29-3-1905. It was Gokhle's budget speech, 1903, that started the topic during Lord Curzon's viceroyalty. See, finally, the debate on Mr. Subba Rao's Resolution in the central legislature, 17-3-1911, especially the speeches of the mover and Gokhle; the appointment of the Islington commission followed, September 1912, which reported in August 1915.

P 129 l last *For* elsewhere *read* elsewhere.[13] And *add* as footnote—13 For most of these details see the Times of India *Indian Year Book*, 1921. **P 131 l 27** *For* '*memsab*' *read*-*memsahib*.

P 135 n *Add*—See also Sir Abdur Rahim's Minute of dissent, para 22 (*Islington Report* I p. 401) and comments on the view in W. Archer: *India and the Future* pp. xxii-xxiii.

P 136 *Add* to the references as the 4th item—Gokhle: Budget Speeches, 1903 and 1905. P 137 1 1 *For* 1853 *read* 1833. P 137 1 13 *For* was it *read* were they. P 138 1 24 *For* stay *read* presence.

P 139 n I *Add*—For the passage containing it see *Mukharji* p xxiii. Syed Ahmed had also pointed out in his pamphlet on the causes of the Mutiny (1858) that there was nothing existing in the Indian government, "to warn us of the dangers before they burst upon us," and had asked that there should be Indian members on the legislative councils (Ramsay Macdonald: *Government of India*, p. 8).

P 146 1 25 *For* India, has *read* India, with some real power, or, in other words, with some real subordination to them of the executive autocracy, has. P 149 1 6 *For* discontent. *Read* discontent, organising itself both above the ground and under.

P 149 1 33 To last sentence *add*—, and weakened by the rules and regulations they drew up under the Act.

P 151 Table *Total Offl* for C. P. and B. should be 11, *Grand Total* for the Punjab should be 27; for Burma, 18.

P 154 ll 3-4 *For* could be *read* were; *for* had to be *read* were.

P 157 n *Add*—His loyalty to the British connection, and his temper, erring if at all on the side of that caution moderation and regard for the *status quo* so dear to the administrative mind, were manifest in every word, and contributed not a little to his success.

P 159 1 5 *For* non-official nominated member *read* less independent nominated member not recommended by a constituency. L 6 *For* and in the budget debate, the *read* in the budget debate, moreover, the P 162 n 1 *For* 1863 *read* 1663.

P 167 1 2 *Omit* two L 14 first word: *read* seventythree.

P 168 n *Read*—Their powers were greater in non-regulation areas but in some of these they have been recently reduced to the same limits as in the regulation provinces.

P 169 1 23 *Omit* the detection of the criminal, L 27 *For* rascality *read* mal-practices L 28 *read* harass.

P 169 n *Read*—2 The Criminal Law Amendment Act, 1908, empowered first class magistrates also to try cases of sedition.

P 171 ll 10-12 *Omit* the sentence about cantonments. Ll 17-21 *Omit* (1) and instead *read*—(1) The law provides arbitration courts for the simpler cases and with safeguards to minimise miscarriage of justice, but these are far from popular. L 23 *Omit* the last two words viz. 'cost and' L 25 *For* areas *read* areas.[4] L 31 *For* courts should... the larger towns *read* courts with larger powers should...the presidency towns.

P 171 n 3 *Add* as a new paragraph—Several experienced criminal lawyers and judges of the rank of sessions judges whom I have been able to consult were of opinion that (1) it was now very very rare indeed for innocent men to be hauled up; (2) that the main complaint they had to make was that the policeman in preparing the case was rather given to

present a chain of evidence complete in every link, some links very questionable indeed; (3) and that it was impossible for the experienced judge to decide the whole case upon the weakest link or links, since that might produce 'complete shipwreck of justice.' Nor did these experts anticipate that a nationalised police could by itself produce much improvement, until a healthier and more active public spirit grew up. People ought to show stronger resentment against crime and criminals, and render active help to the police. I agree; and it is for that very reason that I place police-nationalisation in the forefront of the reforms required. The transformation in public sentiment and habits can only come about slowly; and only as the police department was nationalised at the top and manned in the middle ranks by officers who could command the willing respect and spontaneous co-operation of the people. That was the type of efficiency this branch of the administration required, and not the Strachey-Curzon brand of it. —And it is a matter for national congratulation that the police department in Bengal, at any rate, has held a public conference in December 1921, and told both the executive and the people a bit of their mind. It is flagrant insubordination, of course, and therefore a step of rare courage on the part of those who organised the conference and took a leading share in its proceedings. Let us hope that the movement will extend and that it will be resolutely kept under control by experienced leaders with sufficient selfrestraint.

P 172 l 4 *Omit* or Munsif Ll 10-14 This applies...the district--*Omit* this sentence. L 16 *For* are to *read*—are generally to L 17 *Omit* and third L 17–18 *Omit*-or to the full bench of the High Court. L 22 *Omit*-and call...irregular. L 23 *For* are either *read* may be L 24–26 *For* or appeals...are allowed *read* in cases in which no appeal lies. P 173 l 11 *For* new younger *read* fresh set of younger. P 174 l 13 *For* seeming *read* securing.

P 175 l 1 *For* India *read* India.* And at bottom of page *add* footnote–*Oaths of this primitive description are still permitted under the Indian Oaths Act, but the point is that they have dropped out of use.

P 176 l 34 *For* just one *read* or two.

P 177 l 6 *For* papers *read* papers * and as footnote *add*—* In the higher courts the judge's ignorance of the vernacular is by no means a negligible item in the high cost of litigation specially in multilingual provinces such as Bombay, Madras, C. P. and B, and Bihar and O.

P 177 l 22 *After* 'nationalised' *add* and a higher sense of duty towards the protection of innocence and the punishment of crime prevail generally P 177 l 22 *After* a high *add*—(though diminishing)

P 178 l 13 *For* settled *read* settled* and as footnote *add*— * It must be noted, however, that Indian opinion was not unanimous on the point. In the U. P., for instance, many considered the deputy collectors a better court for dealing with landrevenue and rent matters than sub-judges; and Dr. Tejbahadur Sapru maintained that the Board

of Revenue was a better court of appeal for such cases than a high court. P 178 l 32 *For* perview *read* purview.

P 181 n 6 *Add* The offences under the Abkari, Forest, and other provincial Acts stood on quite a different footing from those under the criminal law; 'separation' was absolutely necessary with respect to the former.

P 182 At end of section as a note *add*—The Legislative Assembly, in the last session of 1921, passed a resolution for 'separation'. But the Members of Council pointed out during the debate what the Government of India observed later, that it was not possible for the central executive to take any action on such a resolution, since under the Act of 1919 it was a provincial subject.

P 189 l 15 *For* themselves *read* the children of the soil. L 18 *For* way *read* way,[10] and at bottom of page as footnote *add*—10 Blunt: *India under Ripon*, p. 96. Under December 22 the author notes with much else: "Mrs. Ilbert called...Lord Kimberley had written to her husband urging him to stand firm, but the members of council were frightened out of their wits and Lord Ripon has followed them."

P 190 *Add* to the references–Mody: Sir Pherozeshah Mehta i ch.8 Also **Chintamani**: Sir P Mehta's Speeches and Writings, pp. 158–169 174–181.

P 190 *Add* as a note at end of chapter:—In September 1921 the Legislative Assembly passed the following Resolution moved by Mr. N. M. Samarth in a speech giving a brief historical review of the subject:—"That in order to remove all racial distinctions between Indians and Europeans in the matter of their trial and punishment for offences, a committee be appointed to consider what amendments should be made in the provisions of the Code of Criminal procedure...and to report on the best method of giving effect to their proposals."

P 190 n *Omit* the reference to *Dyarchy*, and *add*—The ratio of the urban population varies from province to province. Bombay stands highest with 19 %, Bihar and Orissa, lowest with 3·7 % amongst the major provinces.—*Moral and Matl Prog*,1911-12, p. 7. See also p. 331 *post*.

P 204 l 15 *For* brahman *read* brahman * and as footnote *add*—* *Kaye*, p 553. Ll 26-32. *Change* the verbs into the past tense. P 205 l 33 *For* historically *read* dynamically.

P 213 l 28 *For* province *read* province. * And as footnote *add*—* Similar legislation has been attempted in other provinces also; and for a wider and more guarded extension of the same root ideas to unthrifty feckless people other than agriculturists, see the Indian Contract Act Amendment Act, 1899, and the Usurious Loans Act of 1918.

P 214 *For* § 43 *read* § 42 A P 215 l 24 *For* standard *read* standard* and as footnote*add*—* I. e. several standards, one for each of the principal varieties of soil within the tract.

P 216 ll 15-18 *Add* as a footnote—E. g. by William Digby, see his

"Prosperous" British India.

P 222 l 7 *For* us *read* us[8] *Add* to n 8--See also W. Archer: *India and the Future*, p 151.

P 230 n *Add*--,123-4; and in the following chapter, p 262 *post*.

P 246 n *Add*--For a later examination of Railway Rates Policy from the point of view of Indian interests, see Indian Industrial Commsn Report (1916-18), ch 19.

P 253 l 5 *For* presidency *read* country. P 256 l 5 *For* grows; the *read* grows. The P 257 l 25 *For* while *read* as long as.

P 258 l 7 *For* 22 millions *read* 18½ P 259 l 20 *For* times *read* times.[4]

P 260 l 7 *For* Indian Finance *read* Indian Finance * and as footnote *add*—* This parliamentary committee proved barren of results because it did not finish its labours and report before it came to an end with the dissolution of parliament in 1874.

P 261 *Separate* the total figure from the number of British troops by a dash between the two, ll 22, 24, and 26.

P 269 ll 18-26 *Delete* 4 crores and...12 lakhs a year. Instead *read* nearly 4 crores in 1901-2 to seven crores and eighty-seven lakhs in 1911-12, and has gone on increasing at a much higher rate since. In the footnote *delete* the last two sentences and *read* instead—The total spent in 1919-20 was 1489 lakhs; the distribution was much the same:--12·44 % universities and colleges, 33·6 % secondary, training and othe special schools, 27·28 % primary schools, 26· 68 % indirect (*Indian Education*, 1919-20).

P 271 n *Add*--And those who enjoy singing the praises of the heaven-born services in unmeasured terms, in season and out of season, might also by way of a corrective ponder over facts like the following:--"Within a century London, Berlin and Munich have cut their death-rates nearly in half. In Sweden the average length of life is 50 years for men, 53 for women; in the U. S., 44 and 46; in India 23 and 24" (Price Collier: *The West in the East*, p 187).

P 273 ll 34-36 *Delete* this sentence (Municipal.. chapter).

P 282 l 21 first word: *for* who *read* that. P 293 n 12 *For* the fraction in brackets at the end *read* about onethird.

P 312 *For* § 65 *read* 55. P 313 last l *For* member *read* number.

P 334 l 23 *For* councils *read* councils * and as footnote *add*—* Compare *Dyarchy* pp 274-5, and note especially "one of Gokhle's cherished convictions" that "when once some method of responsibility had been evolved the taxation including local and municipal taxation which the people could stand and would benefit by might be three times what it was at present."

P 339 As footnote at end of chapter *add*—The Bengal Village Self Government Act of 1919—passed under the guidance of Lord Sinha—subdivides districts or parts of districts into convenient unitary areas, each of these 'unions' is to have a 'unionboard', and any two or more members of it the local Government may by notifi-

cation appoint to be a "union bench" for the trial of petty offences with power to impose a fine not exceeding Rs 25 or in default to send the convicted offender to prison for not more than seven days. Any two or more members of the union board the Local Government may also by notification appoint to be a "union court" with jurisdiction to try petty and simple suits for money due on contracts, for the recovery of movable property or its value, or for compensation. The C. P. Village Panchayat Act and the U. P. Village Panchayat Act, of 1920, also give similar powers to "village benches" and "village courts." And Madras and other provinces are likely to pass similar Acts in the near future. Thus Gokhle's recommendations *a* and *b* (see p 335 *ante*) are shortly going to be acted upon in many parts of—if not all over–British India. The experiment should prove of great interest. Will it succeed? I do not think so; even the villager, I venture to hold, will very soon want better qualified and more indubitably impartial "benches" and "courts". "Petty and simple" matters are neither so petty nor so simple if you look at them as does the villager concerned, from the villager's own stand-point.

P 341 l 18 *For* utility *read* utility* and as footnote *add*—* "When the first medical college in India was founded (1836), it was feared that no Hindu would learn anatomy as they considered it a defilement to touch a corpse or even a dry bone. When the first Hindu student plunged his dissecting knife into a body a salute was fired from Fort William in honour of the event (so the tradition runs at Calcutta), and the G. G. himself shook the brave young medico by the hand" (*Modern Review*, September 1921, p 318).

P 344 l 23 *For* Benares *read* Benares * and as footnote *add*—* Founded 1898, secretary Babu Bhagwandas, to whom more than to any other single individual was due the rapid advance of the bold experiment to the status of a national achievement. L 26 *Read*—Message P 347 l 1 *For* foundations *read* foundations * and as footnote *add*—* Dr. Rabindranath Tagore founded the Vishwa Bharati (विश्व भारती) University at Shanti Niketan, Bolepore, Monday, December 26, 1921; a university for those select spirits from any race or clime, who would worship the Muses with a pure devotion, free from such adventitious motives as are generally associated with examinations and degrees.

P 368 At bottom as a note *add*—The Nizam's Government has started the Osmania University with the object of giving the highest university education though the medium of the Urdu language.

P 378 l 9 last two words: *read* of thought P 382 l 23 last word and P 385 l 2 first word: *read* Indian P 382 n *Read* Rhodesia P 402 l 26 *For* scale *read* scale * and as footnote *add*— * General Smuts; *War Time Speeches.* See also K. T. Shah: *Governance of India*, pp xiii—xx. P 415 l 14 *Read* inevitable L 18 *For* Report *read* Reports I and II. P 420 l 8 *For* F *read* N. L 18 *Read* almost certainly. P 426 l 20 *For* 91 *read* 9. P 428 l 7 *Read*-re disforestation.

P 431 Table The 4 members shown as elected to the L. A. by general electorates in C. P. and B. include one elected by Berar but technically treated as nominated. Dehli has a general electorate returning one member. Adding him in the proper columns and in the totals, the total of elected M. L. A. should be 104 (including the Berar member just specified), and the grand total should be 144. 2/1 in the C P and B row, column N, should be 2/0. In the Council of State figures, the fraction ½ appears in four places ; for in Assam the general electorate and the Muhammadans elect a member each at alternate elections, and so do the B and O general and the Punjab Muhammadan electorates. P 432 l 7 *For* fifteen *read* sixteen.

N. B. Such misprints as the reader can easily correct himself have not been noted.